



PERB
California Public Employment
Relations Board

Los Angeles Regional Office
425 W. Broadway, Suite 400
Glendale, CA, 91204-1269
Telephone: (818) 696-6345
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December 2, 2022

Richard Louis Brown, Board of Director
3225 43rd Street
Sacramento, CA 95817

Anne M. Giese, Chief Counsel
Service Employees International Union, Local 1000
1808 14th Street
Sacramento, CA 95811

Re: *Richard Louis Brown v. Service Employees International Union, Local 1000*
Unfair Practice Charge No. ~~SF-CO-82-S~~ **SA-CO-516-S**
CORRECTED CASE REGION & NUMBER AND TRANSFER LETTER

Dear Parties:

Please take notice that PERB has assigned a new case number in the above matter. The parties should reference Case No. SA-CO-516-S in all further correspondence and when accessing, or filing documents to, PERB's public portal (i.e., ePERB). Additionally, please note that this case has been transferred to the undersigned for processing.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Yaron Partovi". The signature is written in a cursive, flowing style.

Yaron Partovi
Senior Regional Attorney

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, Sacramento Regional Office, 1031 18th Street, Sacramento, CA, 95811-4124.

On December 2, 2022, I served the Transfer Letter regarding Case No. SA-CO-516-S on the parties listed below by

X I am personally and readily familiar with the business practice of the Public Employment Relations Board for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Sacramento, California.

 Personal delivery.

X Electronic service (e-mail).

Richard Louis Brown, Board of Director
3225 43rd Street
Sacramento, CA 95817
Email: richard.brown7437@yahoo.com
(By E-mail Only)

Anne M. Giese, Chief Counsel
Service Employees International Union, Local 1000
1808 14th Street
Sacramento, CA 95811
Email: agiese@seiu1000.org
(By USPS Mail and Courtesy E-mail)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 2, 2022, at Sacramento, California.

Nikoo Seirafi

(Type or print name)



(Signature)



PERB Received
12/01/22 12:58 PM

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD

UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE: Case No:

Date Filed: 12/01/2022

INSTRUCTIONS: File the original and one copy of this charge form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached to each copy. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES ☐ If so, Case No NO ☒

1. CHARGING PARTY: EMPLOYEE ☒ EMPLOYEE ORGANIZATION ☐ EMPLOYER ☐ PUBLIC¹ ☐

a. Full name: Richard Louis Brown
b. Mailing Address: 3225 43rd Street, Sacramento, CA 95817
c. Telephone number: (140) 820-7233
d. Name and title of agent to contact: Richard Louis Brown E-mail Address: richard.brown7437@yahoo.com
Telephone number: (140) 820-7233 Fax No.:
e. Bargaining Unit(s) involved: 1, 3, 4, 11, 14, 15, 17, 20, 21, & State Bar

2. CHARGE FILED AGAINST: (mark one only) EMPLOYEE ORGANIZATION ☒ EMPLOYER ☐

a. Full name: Union of California State Workers dba SEIU Local 1000
b. Mailing Address: 1808 14th Street Sacramento, CA 85811
c. Telephone number: (866) 471-7348
d. Name and title of agent to contact: Anne Giese, SEIU Local 1000 Chief E-mail Address: AGiese@seiu1000.org
Counsel
Telephone number: (866) 471-7348 Fax No.:

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name: Union of California State Workers dba SEIU Local 1000
b. Mailing address: 1808 14th Street Sacramento, CA 95811

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Gov. Code, § 18524.)

a. Full name:
b. Mailing Address:
c. Agent:

5. GRIEVANCE PROCEDURE

¹An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes ☐ No ☒ Unknown ☐

6. STATEMENT OF CHARGE

a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)

- ☐ Educational Employment Relations Act (EERA) (Gov. Code, § 3540 et seq.)
- ☒ Ralph C. Dills Act (Gov. Code, § 3512 et seq.)
- ☐ Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, § 3560 et seq.)
- ☐ Meyers-Millas-Brown Act (MMBA) (Gov. Code, § 3500 et seq.)
- ☐ Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code, § 99560 et seq.)
- ☐ One of the following Public Utilities Code Transit District Acts: San Francisco Bay Area Rapid Transit District Act (SFBART Act) (Pub. Util. Code, § 28848 et seq.), Orange County Transit District Act (OCTDA) (Pub. Util. Code, § 40000 et seq.), and Sacramento Regional Transit District Act (Sac RTD Act) (Pub. Util. Code, § 102398 et seq.)
- ☐ Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code, § 71630 – 71639.5)
- ☐ Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code, § 71800 et seq.)

b. The specific Government or Public Utilities Code section(s) or PERB regulation section(s) alleged to have been violated is/are:
Ralph C Dills (Dills Act) 3512 et al.

c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are (**a copy of the applicable local rule(s) MUST be attached to the charge**):

d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. (*Use and attach additional sheets of paper if necessary.*)

Please see attached pdf- Local 1000 has refused to provide Board of Directors' information after being asked repeatedly from June - November of 2022, to a Local 1000 Board of Director. This deliberate failure to provide this information is Local 1000 's effort to remove my participation from a public sector union as its duly elected president. I seek immediate relief to have my requested information while also being reinstated as the Local 1000 President with my full powers as elected.

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief. (A Declaration will be included in the e-mail you receive from PERB once you have completed this screen. The person filing this Unfair Practice Charge is required to return a properly filled out and signed original Declaration to PERB pursuant to PERB Regulations 32140 and 32135.)

(Type or Print Name)

/s/
(Signature)

12/01/2022
Date



PERB Received
12/01/22 12:58 PM

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD
UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE:

Case No:

Date Filed:

INSTRUCTIONS: File this charge form via the e-PERB Portal, with proof of service. Parties exempt from using the e-PERB Portal may file the original charge in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE?

YES

☐

If so, Case No.

NO

☒

1. CHARGING PARTY:

EMPLOYEE

EMPLOYEE ORGANIZATION

EMPLOYER

PUBLIC¹

a. Full name:

Richard Louis Brown

b. Mailing address:

3225 43rd Street

c. Telephone number:

(408) 207-2339

d. Name and title of
person filing charge:

Richard Louis Brown, Local 1000 Board of Director

E-mail Address:

richard.brown7437@yahoo.com

Telephone number:

(408) 207-2339

e. Bargaining unit(s)
involved:

BU (s) 1, 3, 4, 11, 14, 15, 17, 20, 21 and State Bar

2. CHARGE FILED AGAINST: (mark one only)

EMPLOYEE ORGANIZATION

☒

EMPLOYER

☐

a. Full name:

Union of California State Workers dba SEIU Local 1000

b. Mailing address:

1808 14th Street, Sacramento, CA 95811

c. Telephone number:

(866) 471-7348

d. Name and title of
agent to contact:

Anne Giese, Local 1000 Chief Counsel

E-mail Address:

AGiese@seiu1000.org

Telephone number:

(866) 471-7348

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name:

Union of California State Workers dba SEIU Local 1000

b. Mailing address:

1808 14th Street, Sacramento, CA 95811

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Gov. Code, § 18524.)

a. Full name:

b. Mailing address:

c. Agent:

¹ An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569.

5. GRIEVANCE PROCEDURE

Are the parties to this agreement containing a grievance procedure which ends in binding arbitration?

Yes ☐

No ☐

Unknown ☒

6. STATEMENT OF CHARGE

- a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)
- ☐ Educational Employment Relations Act (EERA) (Gov. Code, § 3540 et seq.)
- ☒ Ralph C. Dills Act (Gov. Code, §3512 et seq.)
- ☐ Higher Education Employer -Employee Relations Act (HEERA) (Gov. Code, § 3560 et seq.)
- ☐ Meyers-Milias-Brown Act (MMBA) (Gov. Code, § 3500 et seq.)
- ☐ One of the following Public Utilities Code Transit District Acts: San Francisco Bay Area Rapid Transit District Act (SFBART Act) (Pub. Util. Code, § 28848 et seq.), Orange County Transit District Act (OCTDA) (Pub. Util. Code, § 40000 et seq.), and Sacramento Regional Transit District Act (Sac RTD Act) (Pub. Util. Code, § 102398 et seq.)
- ☐ The Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA)(Supervisory Employees of the Los Angeles County Metropolitan Authority (Pub. Util. Code, § 99560 et seq.)
- ☐ Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code, § 71630 – 71639.5)
- ☐ Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code, § 71800 et seq.)
- b. The specific Government or Public Utilities Code section(s), or PERB regulation section(s) alleged to have been violated is/are: Unknown ☐
- c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are **(a copy of the applicable local rule(s) MUST be attached to the charge):**
- d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. (Use and attach additional sheets of paper if necessary.) See attached ☒

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief and that this declaration was executed on 11/30/2022

(Date)

at Sacramento, California

(City and State)

Richard Louis Brown, Local 1000 Board of Director

(Type or Print Name and Title, if any)

Richard Louis Brown
(Signature)

Mailing Address:

3225 43rd Street
Sacramento, CA 95817

E-Mail Address: richard.brown7437@yahoo.com

Telephone Number: (408) 207-2339

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Stanislaus,
State of California. I am over the age of 18 years. The name and address of my
Residence or business is 1132 Cambridge Court, Modesto, CA 95350

On December 1, 2022, I served the PERB Unfair Practice Charge
(Date) (Description of document(s))

For Richard Louis Brown in Case No. Not Known
(Description of document(s) continued) PERB Case No., if known)

on the parties listed below by (check the applicable method(s)):

- ☐ placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid;
- ☒ personal delivery;
- ☐ electronic service - I served a copy of the above-listed document(s) by transmitting via electronic mail (e-mail) or via e-PERB to the electronic service address(es) listed below on the date indicated. (May be used only if the party being served has filed and served a notice consenting to electronic service or has electronically filed a document with the Board. See PERB Regulation 32140(b).)

(Include here the name, address and/or e-mail address of the Respondent and/or any other parties served.)

Union of California State Workers dba SEIU
Local 1000-Chief Counsel, Anne Giese
(AGiese@seiu1000.org) at 1808 14th Street,
Sacramento, CA 95811. Local 1000 agent,
Yuri Kvichko, accepted delivery of Richard
Louis Brown's Unfair Practice Charge against
SEIU Local 1000.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 12-1-2022,
(Date)

at Sacramento California
(City) (State)

Derick Roque

(Type or print name)



(Signature)

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**PERB's Great Participation Challenge-The Silencing of Members' Voices: Power,
Evilness, Racism & Bulletproof Protection of the Status Quo!**



I, Richard Louis Brown, a man of integrity with unbought principles, and the duly elected Local 1000 President, am humbly seeking immediate relief for reinstatement as President with full powers along with invalidating all Local 1000 actions and changes since February 27, 2022, within 30 days upon receipt of this written complaint with this filing of an unfair practice charge for discrimination for my protected activity of fulfilling my duties as the Local 1000 President. (See **Exhibit A-** Timeline, **Exhibit A1-**2018 Bylaws and, **Exhibit A2-**2020 Policy File). As a Local 1000 Board member I am filing this PERB complaint based on the fact that Local 1000 has intentionally failed to provide after six requests for financial information, in person Board meetings, and Board meeting notes including zoom videos of Board meetings since March 2022. I have asked on six different occasions (June 7, 2022, June 9, 2022, June 10, 2022, July 3, 2022, August 12, 2022, and November 23, 2022) to no avail. This denial of my requested information as a Board member is Local 1000's deliberate attempt to remove me from office based purely on political and racial reasons which violates my rights to participate in a union per the Ralph C. Dills Act (Dills Act) Section 3512 et al. and violates numerous California Corporations Codes including California Corporations Code 8333.

I seek the unique powers of the Public Employment Relations Board (PERB) to *supremely* act fully within its normal capabilities and legal authority under the Ralph C. Dills Act (Dills Act) Section 3515 (but to take the effort to go above and beyond the minimum required) to cure the “cancer of racism and money/political power pathology” that now is threatening to publicly destroy the voters’ voices within Local 1000 — the largest public sector union for State employees in our golden state. Section 3515 states the following “Except as otherwise provided by the Legislature, state employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. State employees also shall have the right to refuse to join or participate in the activities of employee organizations, except that nothing shall preclude the parties from agreeing to a maintenance of membership provision, as defined in subdivision (i) of Section 3513,

or a fair share fee provision, as defined in subdivision (k) of Section 3513, pursuant to a memorandum of understanding. In any event, state employees shall have the right to represent themselves individually in their employment relations with the state.” (*Amended by Stats. 1990, Ch. 1522, Sec. 2.*) As the first U.S. Supreme Court African-American Justice, Thurgood Marshall said so aptly “What is the quality of your intent? Certain people have a way of saying things that shake us at the core. Even when the words do not seem harsh or offensive, the impact is shattering. What we could be experiencing is the intent behind the words. When we intend to do well, we do. When we intend to do harm, it happens. What each of us must come to realize is that our intent always comes through.” The intent of this “cancer of racism and money/political power pathology” is to destroy the voting power of the Local 1000 membership (participation in activities aka voting is being intentionally violated/ignored) irreparably harms the institution of voting as a whole.

Again I must restate that I am filing this unfair practice charge against Local 1000 due to Local 1000 intentionally violating the Dills Act Section 3512 et al. in its conduct towards me as the duly elected Local 1000 President. Therefore, I must clearly restate below the very important words of U.S. Supreme Court African-American Justice, Thurgood Marshall regarding the intent to do well or do harm to each other. The intent of Local 1000 in its conduct towards me to to harm the voters by not allowing me to do the job I was elected to do as the duly elected Local 1000 President. The analysis is not complex or hard to decipher but the consequences of allowing injustice to take place with robust energy withing Local 1000 is a disgrace to voting in America. My simple requests as a Local 1000 Board of Director could have easily been answered but Local 1000 truly intends to intentionally harm not just the Local 1000 membership's voting voice, not just intentionally harm my representation as a public leader, but seek to destroy the image of public sector unions in the state of California without any oversight by PERB. So let's revisit U.S. Supreme Court African-American Justice, Thurgood Marshall, quote below and its impact on PERB's decision in this case when Justice Marshall when speaking as the first African-American Supreme Court justice said the following:

"When we intend to do harm, it happens. What each of us must come to realize is that our intent always comes through." The intent of this "cancer of racism and money/political power pathology" is to destroy the voting power of the Local 1000 membership (participation in activities aka voting is being intentionally violated/ignored) irreparably harms the institution of voting as a whole.

I must first give the background story regarding the cascade of false allegations against me while also giving the facts for why PERB must quickly act to restore my presidency. There is an ongoing toxic, callously calculated effort of coordinated chaos led by a small, disgruntled group of delusional and racially motivated members on the Local 1000 Board of Directors and by SEIU International. Both groups are too narrow minded, and too incompetent to accept my presidency, which gives me the authority per the Bylaws and Policy File to run the day-to-day operations; be the spokesman for Local 1000; and perform duly authorized legal powers as the elected President. The aforementioned parties are trying with the use of vigilante justice to maintain the "political" status quo that has always operated since Local 1000 first affiliated with SEIU International in February 1984 by manufacturing cosmetically enhanced financial and operational lies and unsubstantiated allegations in order to justify removing me from office. Yet this action is a borderline (at best) a form of corruption because it completely negates and contradicts what the people voted for in the most recent election. The aforementioned parties are closed-minded and refuse to listen to the members' voices/votes for president because they are unable to substantiate their false allegations.

The people spoke with their vote that they did not want to continue the same political status quo, and the above parties are forcing their own self-serving on a plurality of the membership who voted against it. This small, disgruntled group of charlatans are delegitimizing the election process with their attempted coup (and admits to it via attached evidence-**Exhibit B-DLC 772 President Mary De La Cruz-Affidavit**) to implement a system that circumvents the voice of the peoples' vote. If this was performed on a larger, nationwide scale this would be analogous to Donald Trump successfully overturning the last election and preventing Joe Biden from

fulfilling his term as S.S. President. The horrific “**January 6, 2021, insurrection**” at our nation’s capital could be also be considered synonymous with the 3 Statewide VPs retaliatory suspension of me on February 27, 2022, after I had already suspended them of their duties on February 25, 2022. **The only difference is the January 6 insurrectionists did not overturn our national democracy but the Local 1000 insurrectionists have.**

Likewise, these usurpers are ignoring the prior PERB Decisions Nos 1479-S and 1479a-S from 2002- please see attached **Exhibit C** upon request. These usurpers (with the help of sensationalized news coverage) believe and have portrayed me as a “controversial black militant radical” that is allegedly working with anti-union forces to destroy Local 1000. This appears on its face to be a racist, political-smearing propaganda campaign led by a white man, DLC 744 President, William (Billy) Hall, combined with a complex, sophisticated web of libelous, luxurious lies meant to gas-light and seduce naïve members, in an attempt to sabotage my presidency. See **Exhibit CA** regarding Mr. Hall's attempt to have Local 1000 send out an email stating he was the new "Chair" of the Board after illegal October 16-17, 2021, special Board meeting.

This gas-lighting of Local 1000 membership is designed by the supports of my predecessor, Yvonne Walker. The powers-that-be worshipped her for her “flexibility” and “collaboration” with the State but yet firmly hid behind her like a religious shield to hide its blatant, racial prejudice. Many people felt Yvonne Walker was a significant racial and gender achievement for the largest public sector California State employee union but in reality it was no more than a token accomplishment. Only by conforming to the demands of the pre-existing political status quo establishment will race or gender no longer matter for Local 1000. My election was truly a historic one because I spoke and acted against the political status quo while defending my black identity while encouraging whites to not feel guilty about being white but be proud of their European heritage! Walker’s past election victory was not a harbinger of any remote post racial or gender labor union issues, having a person of color sit in the highest office did not end racism but provided ample political and socially accepted cover for America’ original sin. In fact, historically people of color can often exacerbate racism and the continuation of the status quo by implementing harsher policies ad decisions

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against their own communities and organizations. This indeed true for the former Local 1000 President in the eyes of many members within Local 1000.

Historically, Local 1000 like many other unions would generally select those most assimilating to white culture to be in positions of power to ensure the political status quo is continued without any disturbances from members. My election was a shock to the sensibilities of the white state quo leaders within Local 1000.

However, in July 2019, Mrs. Walker in an interview with SacBee had to establish the facts with the newly elected 3 VPs (Anica Walls, Kevin Menager, Tony Owens) that the Policy File established the powers for the Local 1000 President to run the day to day operations for the Union and the 3 VPs did not take time to understand their roles. See the following link <https://www.sacbee.com/news/politics-government/the-state-worker/article232714092.html>. The 3 VPs refusal to learn their roles eventually led to their full-time union leave being reduced to 1 week a month in later in 2019 in a December Board meeting. It should be noted that the 3 VPs tried to suspend Mrs. Walker in 2018 but were prevented from doing because the Chief Counsel, Anne Giese, said they could not suspend Mrs. Walker. Ironically, Ms. Giese now strongly defends the current 3 VPs' suspension of me.

A quick example of Local 1000 gas-lighting is the fact that members believe that only their voluntary Committee in Political Education (COPE) donations fund politics, which is entirely false. In truth, a huge portion of every dollar paid via membership dues funds the political SEIU International affiliation agreement and at least 2 political pacts (Candidates and Independent Expenditures PACs). Local 1000 leaders conceal the use of membership dues on politics. Please see the attached **Exhibit D** regarding the Local 1000 dues dollar breakdown for 2013, 2014 and 2017. Local 1000 stop publishing this financial information after the Janus decision was handed down on June 27, 2018. I was in the process of creating a new 2022 dues dollar breakdown for members before I was interrupted from my duties. I was officially announced as the newly elected Local 1000 President on May 28, 2021, with my first day of office on June 30, 2021, after being sworn in on June 27, 2021.

Another violation to keep in mind is that VP Secretary-Treasurer, David Jimenez, is acting as the Local 1000 President which is considered a violation of the California Corporations Code § 5213 (a) (4) that states that the secretary cannot act as the president concurrently in the following: "... Any number of offices may be held by the same person unless the articles or bylaws provide otherwise, except that no person serving as the secretary, the treasurer, or the chief financial officer may serve concurrently as the president or chair of the board..." and it also violates the Local 1000 Policy File 12.0.02 (a) (requiring stewards may run for and hold only one office within Local 1000). Furthermore, DLC 744 President Billy Hall is also violating the California Corporations Code § 5213 (b) Except as otherwise provided by the articles or bylaws, officers shall be chosen by the board and serve at the pleasure of the board, subject to the rights, if any, of an officer under any contract of employment and the Local 1000 Policy File by acting as the "Chair" of the Board for Local 1000 and by signing legal documents with the State of California as if he is the new leader and voice for Local 1000 which is stated in an April 25, 2022, email blast to membership "Our new leadership..." e.g. the Telework agreement signed April 28, 2022. Mr. Hall also violated California Corporations Code § 7150 (g) (2) During an emergency, the board may not take any action that requires the vote of the members or otherwise is not in the

corporation's ordinary course of business, unless the required vote of the members was obtained prior to the emergency.

I am simply an old fashioned, back-to-basics, activist-oriented labor-leader who does not support the former established parochial view of Local 1000. My difference of focus centers on Local 1000 being primarily focused on legislative efforts (e.g. political lobbying and electoral work) as a negotiation strategy related to contracts, salary, and benefits for Local 1000 represented employees. I prefer a nonpartisan approach focused on increasing dues-paying membership especially as politics has our state so deeply divided. This divide is reflected by our Union being composed of approximately 50% non-Democrats. I was elected by the members to unify our Union based on my desire to unite both sides by not playing politics with the employees' livelihood.

Unfortunately, a select "few" based on **RACIAL** prejudice and political power are attempting to remove me. Within its established scope; I need PERB to intervene to uphold the principle that any Local 1000 President will not be removed due to discrimination/racism, political infighting, and difference of opinion—especially when membership so recently voted for a change in Local 1000's strategic approach. For the first time membership's voice through voting needs a sanctuary where their voices are heard and respected. A disagreement of how the union should be operated is not grounds for removal nor overturning election results. A difference in governing style does not constitute mismanagement or poor performance. Differences and smooth transitions of power are what this country was founded upon — Democracy!

DLC 744 President Billy Hall along with the Statewide Vice Presidents, Anica Walls, David Jimenez, and Irene Green and the financially motivated SEIU International want to remove me from my elected office due to 1) my 10 Point *Reform* Platform to ending all political spending and 2) silence the voters' decision for a new operating culture of excellence for Local 1000. Mr. Hall's disrespect for membership's voice and his racial hatred for me is so incredible that he arrogantly states at <https://www.seiu1000.org/post/seiu-local-1000-governance-structure> that "The Board elects a **Chair** from among the directors who serve on the Board. The

Chair serves at the pleasure of the Board. The Chair is responsible for reporting the day-to-day operations of the Local 1000 to the Board, carrying out the policies and procedures of the Local, and calling meetings of the Board (at least four per year).” Mr. Hall’s disrespect violated numerous (16) California Corporations Codes in his self-serving interests to silence the voice of membership regarding the operations of Local 1000 which membership has no direct input.

Please see the following clear facts that are easily recognizable to see— which would even be obvious to a first-grader with an eye glasses prescription. I sincerely hope PERB does not surrender to political pressure and abdicate its power to review Local 1000’s internal union activities because vested by the State Legislature because public sector unions in California like any other organization needs oversight since the National Relations Labor Board only overseas private sector unions.

1. As reported by SactoPolitico.com, after it was announced that I had won the Local 1000 Election for President on May 24, 2021, the following morning at 5:00 a.m. the police were called to my residence based off a false and racially charged allegation regarding a woman screaming in my house. This fraudulent call is called **swatting** which is defined as the action or practice of making a prank call to emergency services in an attempt to bring about the dispatch of a large number of armed police officers to a particular address. This racially motivated allegation was not true and **COMPLETELY** baseless. The police have never been to my house in the 9 years that I have lived at my residence at 3225 43rd Street, Sacramento, CA 95817. I was completely stonewalled by the police in my efforts to find out who made this false allegation against me right after I won the election. Ironically, during this time, Local 1000 never called me to investigate or ask any questions, despite my Union being emblazoned about supporting Black Lives Matter and interactions between the police and African Americans.

2. I received a phone call later that same week from Mech Block Sherles (mechsherles@gmail.com) and Lisa Adams (Liscat7@aol.com) informing me that Anica Walls along with David Jimenez and others were having

conference calls to discuss how to remove me as president through the HR1 process by waiting at least 6 months before taking action against me. This plot to remove me from office through the HR1 process was confirmed by DLC 705 President Miche Roy (mismroy1976@gmail.com), DLC 772 President Mary De La Cruz (mdlc056@gmail.com-[please](#) see the attached **Exhibit B**-affidavit), and BUNC 15 Erik Murray (eric_murray03@msn.com) who all attended these telephone conference calls about my removal from office through the use of the HR1 process. Mrs. Mary De La Cruz and Mrs. Miche Roy both stated this plot to remove me from office using the HR1 process on my YouTube video titled "Courage of Convictions-April 20, 2022" at 1:10:25 through 1:25:30 at the following link <https://www.youtube.com/watch?v=grw-O3d8Mus>. Coincidentally, VP Anica Walls stated in attached Exhibit B1 that she wasn't planning on removing me from office which was a direct lie.

3. On October 16-17, 2021, an illegal, special board meeting was held at the California Democratic Headquarters in Sacramento. This specific meeting was in violation of Local 1000 Bylaws and Policy File because it was not called by the President (me) despite these governing documents clearly stating the President calls all meetings. The purpose of this meeting was to create a "Chair" position and transfer all the powers of the President to the Chair. This meeting was called by DLC 744 President, Billy Hall, and strongly supported by a few other members on the Local 1000 Board of Directors including DLC 752 President Kevin Healy who attempted to sabotage the August 30, 2021, UAW 2350 contract ratification-please see attached **Exhibit DD**. Mr. Hall violated California Corporations Code § 7150 (b) (1) Materially and adversely affect the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption, or transfer in a manner different than such action affects another class; (2) Materially and adversely affect such class as to voting, dissolution, redemption, or transfer by changing the rights, privileges, preferences, restrictions or conditions of another class;. Mr. Hall also violated California Corporations Code § 7151 (g) (2) During an emergency, the board may not take any action that requires the vote of the members or otherwise is not in the corporation's ordinary course of business, unless the required vote of the members was obtained prior to the emergency. It should be noted that DLC 786 President, Theresa Taylor (a staunch Mr. Hall supporter and recipient of a \$1,800 Napa resort/spa paid from members' money in 2018 from the former Local 1000

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President) also helped ruin this illegal meeting. As reported by numerous outlets, Mrs. Taylor told a Local 1000 staff member in a vulgar, racially motivated, and homophobic text that "...RLB (Richard Louis Brown) can suck a dick" on August 10, 2021-please see the attached **Exhibit E** for this entire racial text conversation. Her text shows Mrs. Taylor possibly using her white privilege to utilize her discriminatory animus against me and also strongly indicates that her involvement in this meeting was extremely personal and not professional considering that on the same August 10, 2021, date Mrs. Taylor's daughter and former DLC 786 President before quickly resigning from State service, Anna Marie Taylor, following in the same footsteps like her loving mother also stated that I could "...eat a dick...fuck off..."-please see the attached **Exhibit F**. Please also see the August 17, 2021, article by Naked Capitalism at discussing Mrs. Taylor's ugly behavior regarding her unprofessional text message at <https://www.nakedcapitalism.com/2021/08/rlb-can-suck-a-dick-calpers-board-vp-theresa-taylor-debases-calpers-sneers-at-workers-and-little-people-in-unhinged-factually-false-attack-on-seiu-california-president.html>.

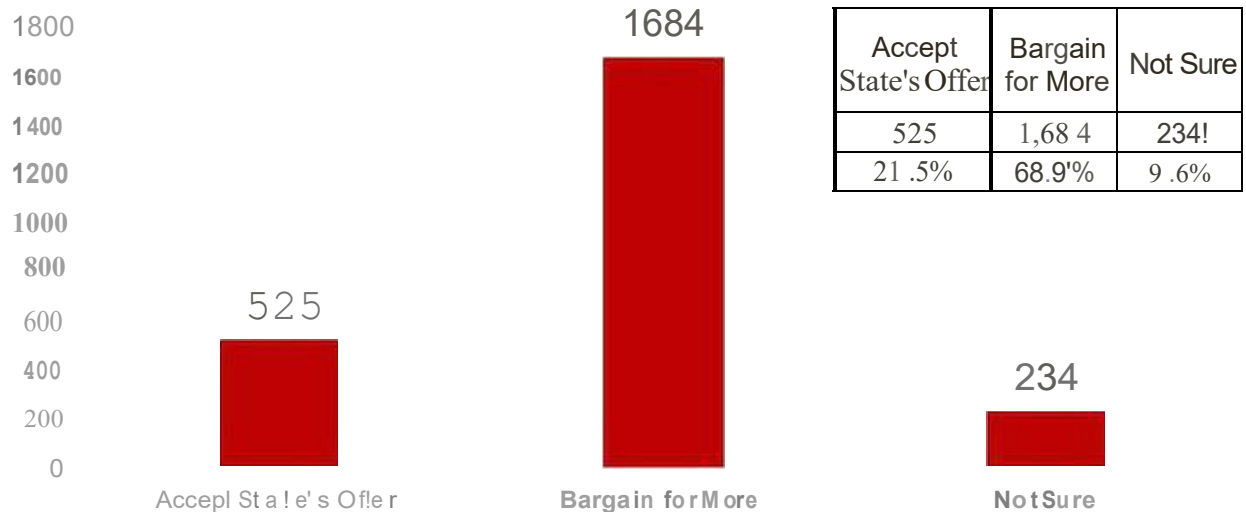
Mrs. Taylor's ugly behavior was reinforced one day later in an apparent coordinated effort when DLC 724 member, Denise Quinn-Allen, on August 11, 2021, called me a dick on my Local 1000 Listens to You video. Please see the following video link at <https://youtu.be/AOdu1lpR78s> starting at 52:07 where Ms. Allen said "What a dick" at 52.57 of this video when she thought I was ignoring her. This is clear evidence of the hostility that I have suffered from membership while it is alleged that I am intimidating and unprofessional. To finalize this hostility DLC 772 member, Monica Blancarte, followed this hostile theme in continuing the climate to remove me from office without any accountability by calling me a "motherfucker" on the December 11, 2021, SBAC video at the 2:02.25 minute mark of the video at <https://youtu.be/mp5fZCHbYMc> when she felt I ignored her call and took member, Richard Roca, as the next caller. Mrs. Blancarte tried to say later at the 2:33 mark of the video that she had background noise but everyone heard her calling me a "motherfucker".

Instead, Mr. Hall, due to his apparent targeted bigotry (please see the attached **Exhibit G**) has rigged the internal HR 1 process so incredibly well that he felt very confident in having Local 1000 send out to membership on April 25, 2022, email titled "Telework Bargaining Resumes April 27 Under New Leadership"

where he authorized me to be referred as the outgoing president in the following “Our new leadership has been working since March 7 to get back to the table on telework after **outgoing president** Richard Louis Brown failed to listen to members and reach an agreement” before my future as the duly elected Local 1000 President can truly be decided. Mr. Hall by having this illegal Board meeting achieved his racially motivated and discriminatory vigilante justice by attempting to silence my participation as the duly elected Local 1000 President, getting elected “Chair”, filing a lawsuit against me in January 2022, and also naming Local 1000 and SEIU International as real parties of interest in this baseless lawsuit because I would not recognize his illegal vigilante Board meeting. This truly displays Mr. Hall’s muscular rage against me. Then on June 19, 2022, Mr. Hall successfully convinces the Board of Directors to pay for his attorney fees for Chris Katzenbach in his lawsuit efforts is a violation. Mr. Hall has violated the California Corporations Code § 317 so please see the following link <https://codes.findlaw.com/ca/corporations-code/corp-sect-317.html>. Mr. Hall can’t sue me, Local 1000, and SEIU International while at the same time asking and obtaining approval from Local 1000’s Board of Directors to pay for his attorney fees while Local 1000 refuses to pay my attorney fees while I am President and carrying out my official duties in that role. Mr. Hall has also violated the California Corporations Code § 5233 (a) Except as provided in subdivision (b), for the purpose of this section, a self-dealing transaction means a transaction to which the corporation is a party and in which one or more of its directors has a material financial interest and which does not meet the requirements of paragraph (1), (2), or (3) of subdivision (d). Such a director is an “interested director” for the purpose of this section. To add further discriminatory insult, Local 1000 on July 1, 2022 violated the California Corporations Code § 5233, by offering me a one-time payment of \$15K for legal fees only associated with my HR1 hearings-see **Exhibit MB**. It should be noted that I actually listened to membership who responded in a survey to keep fighting for more money and not accept anything less than \$100 for everyone equally in regards to telework. Please see the following 2021 December Telework Survey pictures below.

December Telework Survey

Do you believe the Bargaining team should accept the State's offer to make payments of \$50 for Remote Centered employees and \$25 for Office Centered employees now or should we bargain for more ? (N=2443)



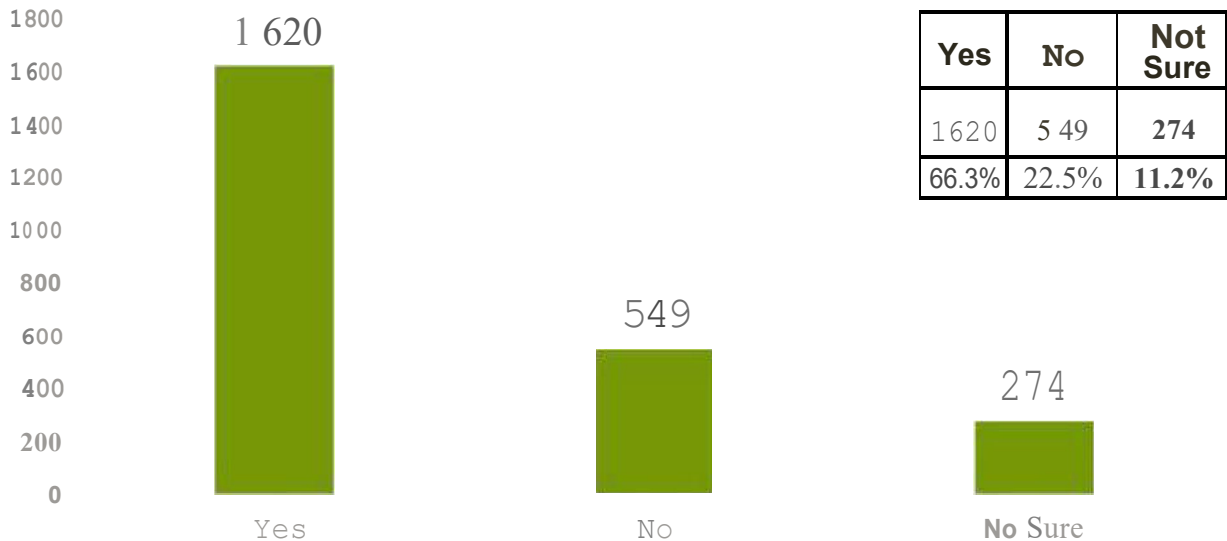
December Telework Survey

Do you believe the State must provide a financial justification versus simply claiming operational needs for denying on employee telework? (N=2,426)



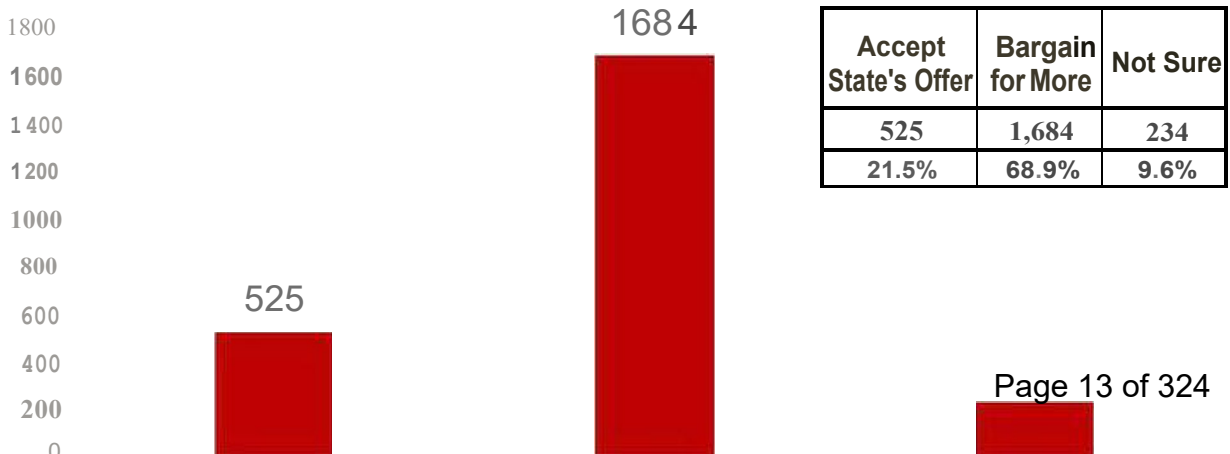
December Telework Survey

Do you believe all Local 1 000 represented employees who are teleworking, regardless of whether they are Office Centered or Remote Centered, should receive the same telework stipend amount? (N==2.443)



December Telework Survey

Do you believe the Bargaining Team should accept the State's offer to make payments of \$50 for Remote Centered employees and \$25 for Office Centered employees now or should we bargain for more? (N=2443)



Instead Mr. Haddad called a vigilante illegal Board meeting at the Sacramento Democratic Headquarters, October 16-17, 2021, because he could not properly petition me to call a special Board meeting nor provide valid reasons for this special meeting. Please see **Exhibit GA** for the 6 Requests to Local 1000 for IN-PERSON Board Meetings & Financial Documents for an in-person Board meeting, Board meeting notes including zoom videos of Board meetings and financial records requests as a Board member that has been ignored by Local 1000. This refusal by Local 1000 to even flirt with the reality concerning the legal requirement regarding my financial records request is a violation of the California Corporations Codes § 309 and 5231 (b) In performing the duties of a director, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by any of the following: Local 1000 refusal to provide my financial requests a Board member violates California Corporations Code § 8333: The accounting books and records and minutes of proceedings of the members and the board and committees of the board shall be open to inspection upon the written demand on the corporation of any member at any reasonable time, for a purpose reasonably related to such person's interests as a member. In addition Local 1000 Board of Directors are entitled to attend and vote at meetings per California Corporations Code § 7211 (a) (8) and (c). These rights include attending committee meetings in person and remotely per California Corporations Code § 7211(d).

Local 1000 also has clearly and intentionally violated the provisions of the California Corporations Code that provide that the affairs of Local 1000 if not stipulated by its Bylaws and Policy File are under the direction of the California Corporation Code § 7210 and that teleconference and video meetings must be conducted in a way that allows all board members to see, hear and communicate with each other, and to propose or object to matters at the meeting per the California Corporation Code § 7211(a)(6). Finally denying Local 1000 Board of Directors the right to attend (in person or remotely) is simply just wrong and unjust. This denial will invalidate all actions taken at the meeting, even if a quorum of other directors would be present. *Signal Oil & Gas Co. v. Ashland Oil & Ref. Co.*, 49 Cal.2d 764, 782, 322 P.2d 1, 12 (1958). This will inflict irreparable injury on Local 1000's image to membership by preventing valid board action on pressing matters and will require Local 1000

to convene a new Board meeting for violating California Corporations Codes whether intentional or not!

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Mr. Hall apparently already knows that the independent arbitrator, Homer La Rue, whom he helped select with the aid of SEIU International will most likely rule against me. The HR1 process has not been completed but yet Mr. Hall is apparently totally confident that I will be removed from office based on false allegations. Mr. Hall on July 27, 2022, in an interview with the Sacramento News and Review (SN&R) boldly for the second time **defamed** my character and intentionally misled the readers and the public when he said the following: “We were heavily involved with SEIU International and the Fight for \$15 (minimum wage). We’re still engaged in that fight. **Former president Richard Brown** took us out politically and out of SEIU State Council. We have re-entered our agreement with SEIU State Council, so that’s our political arm here in California and we’re working with them in partnership—supporting the overall political efforts of SEIU, in general within California, and then also looking at how we can build political pressure for a better contract for the people that we represent.” Mr. Hall referring to me as the “Former president Richard Brown” is clearly a lie when I am still the Local 1000 President. Mr. Hall also lied when he stated in this interview that I “took us out politically and out of SEIU State Council.” As the Local 1000 President I ensures that our monthly affiliation fee of \$55,000 was paid to SEIU State Council in addition to our SEIU International affiliation fee of \$688,000 being paid in a punctual manner. Please see the following link for this entire misleading and deceptive interview that happily portrays to the public Mr. Hall as the “White Savior/Leader” for Local 1000 while demonizing me at <https://sacramento.newsreview.com/2022/07/27/what-does-Billy-hall-think-about-his-new-role-at-seiu-local-1000-quite-a-bit/>. Therefore it is axiomatic that the selection of Mr. La Rue was politically and racially motivated since his selection would appear to rule out any prejudice since he is African-American but this is simply far from the truth. Mr. La Rue has consistently misinterpreted the Local 1000 Policy File while acting as the appointed independent arbitrator in the frivolous HR1 charges against me such as not allowing me to have my HR1 hearing available to membership. Mr. Hall has also convinced VP of Bargaining Irene Green, of my removal could easily be done that in October of 2021 she made a commitment that alarmingly ignore the voice of the voters and she has fully supported Mr. Hall’s self-serving interests when she stated the following below at this illegal meeting:

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“Our members took part in a democratic process. They voted. As a result of that vote, unfortunately, Richard Louis Brown has won that presidency. I can't stand it. I am going to be honest and tell you that I do not believe this man should be in presidency right now. The things that he is doing is against everything that I believe as a vice president of bargaining, as a Union steward, and as a member of the State of California. But is this the way that we need to do this? I'm not entirely sure, which is why for the conversation, why I asked for the explanation, why I asked to have this information on discussion so that we can get to a point of understanding how, at this point, to achieve what we need to achieve. We don't have a plan to back this up. We don't have the majority of the member buy-in for what the Board wants to do. I don't see that this is going to create a way of uniting our Union by way of putting this in operation. In my opinion, it's going to divide us even more, although that's not my primary concern, because I know that, at some point, we will get back to unity.”

Additionally, not all Board of Directors were sent a link to attend this illegal meeting, thereby denied the rights under the California Corporation Code § 7211(a) (6) (B) by not being provided the link to be able to participate equally as other Directors. Moreover, the Local 1000 Chief Counsel refused to answer emails from Board members inquiring if this meeting was legal. Their concern regarding the legality also kept some from attending this illegal meeting.

4. Mr. Hall had another supporters, DLC VP Jonah Paul (Cell: 916-213-7055 Email: Jonah.a.paul@gmail.com) and Denise Quinn Allen publish racially motivated hated filled pictures shown below on a Facebook group called “State Employees” about Local 1000 not passing my proposed 2022 budget in a December 30, 2021, BOD meeting because of Mr. Hall’s influence but was subsequently passed in an illegal BOD meeting after my retaliatory suspension by the 3 VPs. Please also see the attached **Exhibit I** regarding this racially charged and highly insensitive “Coon” caricatures and please take note that SEIU International President Mary Kay Henry and Local 1000 DLC 786 President Theresa Taylor who also sits on the CALPERS Board are proudly and pristinely presented in this race-filled caricature while I am presented as the “angry, aggressive, and

intimidating black man or as a "silly" unintelligent clown. Reminds us of Emmitt Till, the Black Panthers, and other black men that have been portrayed in this country as dangerous and controversial or as non-intellectual.

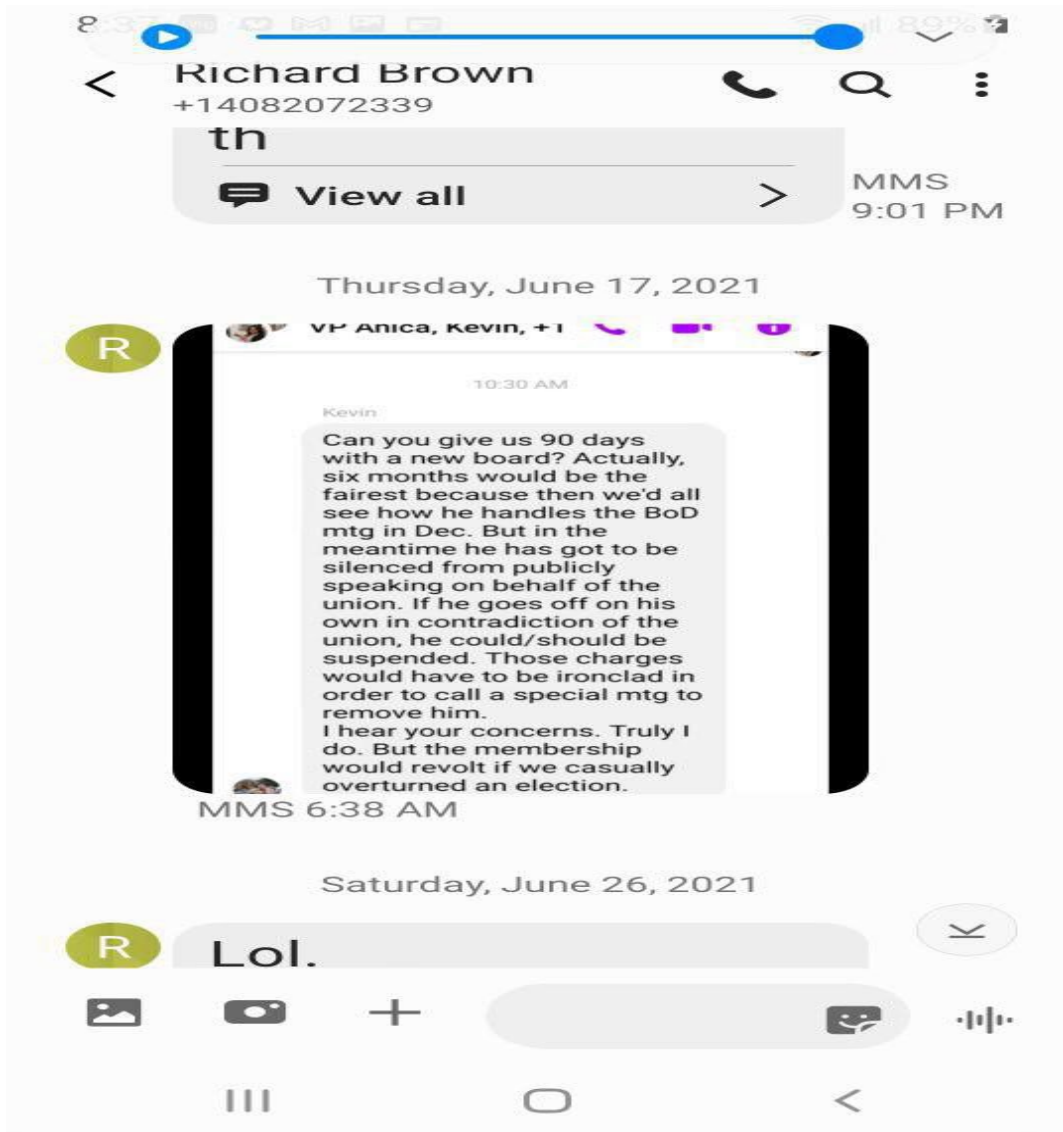


5. Please see the attached documents (**Exhibit J**) dated September 7th, 27th, October 7th, and November 7th, 2021, regarding my numerous communication efforts with Mr. Hall regarding his requests for a special Board meeting. Additionally, this illegal, special Board meeting violates numerous California Corporations Codes. (See attached **Exhibit JA** for California Corporations Code Sections § 5213, 7132, 7150, 7151, 7211, 7340, 7341, 7710, 7813, and 5034). **This attempt to create this illegal Board position (Chair) must first be approved by membership because it substantially changes the structure and operations of a corporation; this was never done, nor is there a current effort to allow the membership to vote on this new position before it is created.** This illegally established position has caused significant confusion for members and Local 1000 staff regarding who is leading the Union. This illegal meeting was one of the initial steps to remove me from office and undermine my leadership through dissension and distrust with the union.

6. February 25, 2022, I suspended "THE DUTIES" of the 3 Vice Presidents, David Jimenez, Anica Walls, and Irene Green with HR1s for their conduct regarding the sharing of confidential information to undermine my authority as President. They quickly retaliated two days later by attempting to suspend me with a retaliatory HR1 on February 27, 2022, with allegations of wrongdoing without proof of detrimental conduct needed to immediately suspend me. Please see the attached Suspension Letters and HR1s (**Exhibit K**). Mrs. Walls'

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supporter and VP Secretary-Treasurer, Kevin Menager stated in a Facebook post below (see the attached **Exhibit L**) that **suspending me was always the goal**. **Exhibit L** shows Mr. Menager's enthusiastic and egoistical support for Mrs. Walls and Mr. Jimenez's well-kept secret to not working with me in good faith by plotting in the political conspiracy to remove the voice of the voters from office on a Facebook post on June 17, 2021, at 10:30 a.m. before I am even sworn in on June 27, 2021.



7. Again, I must strongly state I did not suspend their membership; I only suspended their duties. Under Policy File 9.0.03, the Section clearly states "member" (not membership) regarding a President's power to suspend. In fact, the VPs retaliatory suspension of me did not stop my membership dues from being collected; adversely, my suspension of the 3 VPs never ceased the collection of their membership dues. I did not instruct their

membership fees to be suspended. Pointedly, I instructed the Local 1000 Chief Counsel, Anne Giese, on February 26, 2022, by text to remind the VPs that only their official duties were suspended and not their membership, to which she replied on Feb 27th at 7:14pm, “**Thank you, I’ll make sure it’s done first thing**” (see **Exhibit M**). In fact, my suspension letters for the 3 VPs are titled “**Suspension of Officer Duties**” (see **Exhibit K**). **Exhibit M** also reveals that the March 5, 2022, civil incident was **not** a break in.

Furthermore, Policy File section 9.0.03 clarifies the heading “Suspension of Member” within the body of the paragraph: “When in the opinion of the President, the actions of the member are such as to impose an immediate threat to the welfare of Local 1000, the President may summarily suspend the member until the procedures established in the Policy File are concluded.”

First, the 3 VPs are members and therefore covered under this section. Second, the 3 VPs were openly disclosing confidential information and colluding to dismantle the union’s democratic system of governance in order to illegally institute their own governing policy AND leader. Third, the Policy File does not contradict California Corporations code § 7341 in that it clearly establishes that the member’s ability (or license) to act on behalf of the Union has been suspended. Fourth, only a member who can act on behalf of the union, would be able to cause such harm to the Union, that his/her license to act would have to be immediately suspended. A person receiving regular membership privileges (i.e. the right to vote, CSEA benefits, etc.) would not have the ability to cause the type of great detrimental harm to the Union that would necessitate immediate suspension of that member’s ability to act. Fifth, only members who hold authority (i.e. stewards, board members, vice presidents, etc.) could cause the union such detrimental harm necessary to cause the Union to immediately suspend their ability to act – in order to mitigate the harm being caused to the union. Sixth, 9.0.02 (a) states “Local 1000 has exclusive responsibility over discipline of its members.” Out of the different types of members that are represented by Local 1000, only those members who hold positions of authority can be truly disciplined under section 9.0.02 (l)’s disciplinary charges: (i). Rejection of charges, (ii). Reprimand, (iii). Suspension from elected office within Local 1000; (iv) Removal from elected office within Local 1000, (v). Other action Local 1000 deems appropriate. So, an HR1 can only be instituted against someone with the license to be a

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representative of Local 1000 and therefore a summary suspension can only be applied to a member who holds a licensed position (i.e. a steward, or a member in an appointed or elected position).

So what is a summary suspension? The website www.lawinsider.com defines summary suspension as “the immediate suspension of a permit issued by the state regulatory authority without the permit holder being granted the opportunity to contest the action prior to the effective date and time of the suspension, pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department.”

In other words, the Policy File has its own internal Temporary Restraining Order (TRO) in the form of a Summary Suspension order by the Union President. The Policy File clearly gives the authority to the Union President to immediately initiate disciplinary action on behalf of the Union, and in the President’s judgement, during emergency situations, render quick action to protect the Union. I quickly and decisively managed the immediate threat presented by the 3 VPs (discussed in the second point above) and summarily suspended them from any further action which could posed great threat to the integrity of the Union. As defined above, a summary suspension only holts the license of the 3 VPs to act on behalf of the Union, pending the initiation and completion of the internal disciplinary procedures outlined in the Policy File Division 9.0.05.

The opposing counsels state that the Policy File is clear about allowing for suspension of the President, regardless of the California Corporations Code § 7341 requiring a 15-day notice. They also purport that the President cannot immediately suspend a Board member - even for detrimental conduct to the union because it violates California Corporations Code § 7341 in that PF Div. 9.0.03 refers to the suspension of a member’s membership and therefore must provide for the 15 day notice required in California Corporations Code § 7341. The opposing counsel and Anica Walls are incorrect in their interpretation of the Policy File. Policy File Section 9.0.03 is the mechanism for the President to suspend ANY member’s actions or duties as it relates to the Union through the internal TRO of a Summary Suspension Order. This fact is solidified in that The Policy File also gives the identically worded authority to the rest of the Executive Committee, if the actions that were viewed as detrimental to the Union where being committed by the President. In keeping with the of foundation of Division 9.0.02(a)’s purpose, “Local 1000 has exclusive responsibility over the discipline of its members,”

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the Policy File clearly outlines a procedure for discipline of ALL of its members; to include the individual who is vested by the Policy File to initially determine the validity and severity of charges brought against a member – the President.

So in 9.0.03 the Policy File summarizes what actions can be taken to protect the Union from an immediate and grave threat, as well as who is authorized to make the determination of the severity of the charged parties actions. In keeping with the nature of Policy Files Division 9.0.02 (a), Policy File Division (PF Div.) 9.0.04 outlines who is authorized to make the determination of the severity of the actions and initiate immediate action if the member who is charged is the Union President. Division 9.0.04 closes the loop and fully validates the statement made in PF Div. 9.0.02, “Local 1000 has **exclusive responsibility** over discipline of [ALL] its members” - which includes the highest office within Local 1000: the President.

The opposing party’s incorrect assertion that only the President’s duties can be suspended through the Policy File due to Division 9.0.04 specifically stating the title of the President is erroneously prejudicial. PF Div. 9.0.03 has nearly identical language which summarizes the suspension procedures for all members, to include the President. However, seeing as there is an obvious conflict of interest in having the President be the determining authority when charges are brought against her/him, PF Div. 9.0.04 answers the question of the conflict.

The three VPs committed multiple procedural and prejudicial errors in the application of Policy File Division 9.0.05 ‘Procedures for Institution of Discipline’.

The first prejudicial procedural error is in their erroneous interpretations of the Policy File’s language; one of which is described in the previous paragraphs. The second procedural error is in the violation of PF Div. 9.0.05(a), which clearly states that the **first action** that **must occur** is the filing of charges **in writing on a Form HR1** (Form Hearing Request 1) with the President or “unless said charges are filed against the President, in which case charges shall be filed with the Vice President/Secretary-Treasurer. As testified to by Anica Walls and the other two VPs, the written HR1 requirements needed to initiate ANY disciplinary actions prior to a summary suspension being initiated (as outlined in PF Div. 9.0.05(a)) was not completed until approximately eight days after the VPs' very public and retaliatory suspension of me, the Union President.

The third prejudicial procedural error that the VPs violated in PF Div. 9.0.05 (a) is that, “The member filing the charges must... substantiate the charges, and present the facts supporting them...” The facts that were presented never outlined exactly how the purported actions were in clear violation of the Union Policy Files and/or Bylaws. What was presented were innuendos in support of their belief of how I, the President, should run everyday operations. However, those are opinions and not factual evidence of wrong doing. What the VPs failed to relay were the facts outlined in the Policy File which clearly show that I operated well within the scope of authority that is vested in my position, as the Union President. They failed to point out that in keeping with my fiduciary duties, I must put the needs of the Union above the wants of the VPs to be immediately informed of all my decisions. As the President, there are times that necessitate that I restrict the sharing of information in order to protect the Union's interest. Restricting the sharing of legal information during an active case is common practice in our most corporations and is not factual evidence of wrong doing. The Anica Walls ‘assertion that she was not able to make decisions because of she did not have knowledge of facts pertaining to pending lawsuits misleading (to say the least). There weren't any decisions for her to make. In fact, PF Div. 3.0.03(c) (3) states, "Assisting the President in administering the duties of Local 1000." - which is the only sentence that mentions any duties at the Local level. In that one sentence she serves at the need of the President and not the other way around. Mrs. Walls' principle duties are embedded in the oversight of the District level governance, and not the State-level governance of the day-to-day Local 1000 operations. Please reference PF Div. 3.0.03 (c) (1-7).

The egregious behavior of Mrs. Walls is also shared with the other Vice Presidents that lead to the 3 VPs retaliatory suspension and HR1 charges calls into question the legitimacy of the votes on May 24, 2022, and the confidence the Board of Directors has in its President because of the baseless allegations of wrongdoings. This impact has caused low member participation along with an incredible decline in membership that SEIU International has sent two of its employees, Eliseo Medina and Scott Washburn, to assist Local 1000 in building membership. Please see below the email sent by VP David Jimenez.

Per Mr. Jimenez’s February 24, 2022, email at 11:09am.

“• A unilateral directive was issued late last week to the URC Staff notifying them of changes that would take place immediately. Since then there have been modifications but there is still MUCH confusion over who is to act and when.

• Legal matters have escalated and Local 1000 is faced with four lawsuits. The Executive Committee is being intentionally excluded when there is an obvious conflict of interest.

It is these two reasons we reached out to VP Irene Green on Tuesday. Irene expressed that this information was not totally new to her but she would need time to process the information and was not willing to sign on for suspension. In spite of the latest developments:”

This clearly shows that the 3 VPs suspended me for two baseless reasons. First I made the decision as the Local 1000 President to have staff become more accountable for their work for our represented employees by contacting DLC Presidents when working in their DLCs since a survey revealed a high level of customer dissatisfaction with the grievance process with our represented employees. A second email was sent out to clarify this issue so there was not “MUCH” confusion. Second, the Executive Committee (Anica Walls and David Jimenez) knew about 3 of the 4 lawsuits while Irene Green knew about all 4 lawsuits. I as the Local 1000 President had not yet had the opportunity to discuss the 4th lawsuit with the Executive Committee due to my pressing work load and I was trying to prevent confidential information from being leaked out to the public.

The fourth prejudicial procedural error committed by the three VPs is their summary suspension of the President prior to completing and submitting a completed HR1 packet (with supporting documentation) to the Secretary/Treasurer for official review. It is during this initial review of the completed HR1 packet that the President (or if the charges are against the President, the VP Secretary/Treasurer) would determine the validity and severity of the charges posed against a member. These procedures are identical to the requirements for requesting a hearing in a normal court of law; the official request, and all the supporting documents for the request, must be submitted to the judge for initial review and it is during this initial review process in which the judge grants or denies the hearing and TRO (Summary Suspension).

The opposing party misrepresents PF Div. 9.0.04’s language, which reads, “...If written charges are not filed within ten days, the suspension is terminated” Their failure to understand that PF Div. 9.0.04 is a summary paragraph outlining multiple requirements for institution of a summary suspension of the member’s duties created multiple missteps in the VPs application of PF Div.9.0.04. In fact, the 10 days that is stated in PF Div. 9.0.03 and 9.0.04 is in reference to PF Div. 9.0.05 (j) in that after the conclusion of the preliminary

investigation, the hearing panel or hearing officer shall report to the President, or to the Vice President/Secretary-Treasurer if the charges are against the President, no later than ten days after the completion of the hearing.” This outlines the duration of the summary suspension of the member and ensures that if official charges are not confirmed in a report by the hearing panel or hearing officer ten days after the conclusion of their investigation, the summary suspension no longer has validity and the charged party is no longer barred from their licensed duties. The Policy File makes it clear that if the requirements in PF Div. 9.0.05(j) are not met within the specified timeframe then the member’s Summary Suspension is no longer valid. This procedure correlates with the procedures and dictates outlined in other courts which have established guidelines and timelines for the institution of Temporary Restraining Orders.

Due to the above and other prejudicial procedural errors, I invoke the requirements in Policy File Div. 9.0.05(m) to be enacted – dismissal of all charges. The procedural errors previously outlined created a false narrative that left me without the ability to utilize the powers of my duly elected office to remedy the adverse effects of these charges against me. Also, due to the misrepresentation by the 3 VPs, the majority of the board of directors are currently under the erroneous impression that my suspension of the 3 VPs was invalid because I attempted to suspend the VPs membership – this is false. I only suspended their license to act on behalf of the Union - which is well within the dictates outlined within our Policy File.

However the subsequent actions of the three VPs and their cohorts we're well outside of the scope of authorizations given to them and the required steps outlined in the Policy File.

The three VPs barred me from being able to conduct any business by changing all the locks to the Headquarters building on or before February 28, 2022.

They accused me of illegally having the locks changed when I attempted to access my belongings from my office on March 5, 2022.

The 3 VPs, with the help of their renegade cohorts within the Board of Directors, have since attempted to dismantle the democratic system of governance which the Union has operated under for the last two years or longer.

Without the approval of their members, this renegade faction of Board of Directors (which the VPs are a part of) have called illegal board meetings in order to change the Policy File to better support their own personal agendas.

They have manufactured changes to the Policy File which would strip all the duties and authority of the member-elected President and transfer them to a Chairperson position which they created.

They have orchestrated the placing of their leader into this Chairperson position and have voted to give their leader full-time paid leave from his State of California job.

All of these actions, and more, are in violation of the Local 1000 Policy File and California Corporations Codes California Corporations Code § 7813, 5233, 309 and recently Internal Revenue Code 4958.

All of these actions were done without the official sanction of the members-at-large as required by California Corporations Code § 7813. This crucial code is stated in its entirety below: An amendment must also be approved by the members (Section 5034) of a class, whether or not such class is entitled to vote thereon by the provisions of the articles or bylaws, if the amendment would:

- (a) Materially and adversely affect the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption or transfer in a manner different than such action affects another class;
- (b) Materially and adversely affect such class as to voting, dissolution, redemption or transfer by changing the rights, privileges, preferences, restrictions or conditions of another class;
- (c) Increase or decrease the number of memberships authorized for such class;
- (d) Increase the number of memberships authorized for another class;
- (e) Effect an exchange, reclassification or cancellation of all or part of the memberships of such class; or
- (f) Authorize a new class of memberships.

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Moreover, the legal counsel that I had acquired to protect the Union's interest was dismissed by the VPs (also violating California Corporations Code § 5233) when they did not have the authority to do so.

In so doing, the confusion that was created by the VPs actions, left multitudes of members, staff, and the general public unable to decipher the truth. Their actions led to multitudes of members dissolving their union memberships and many more threatening to follow suite. This is an example of the damage that I attempted to head off by summarily suspending the actions of the 3 VPs.

Mrs. Walls has misled the hearing panel into believing her false narrative that the suspension of the three VPs' duties was in retaliation of her wish to suspend me. Her narrative is not factual and does not offer an honest and full accounting of the facts.

Fact #1: All members of the Board were made aware that the Policy File changes that the renegade Board members were attempting to institute were in violation California Corporations Code § 7211 and other codes as well the October 16-17, 2021, Board meeting were therefore illegal and out of order.

Fact#2: All Board members were aware that any attempts to support or attend the illegal actions from the rogue October 16-17, 2021, out-of-order meeting would be met with disciplinary actions in order to protect the Union - to include suspension. PF 9.0.05 states "Charges must be filed within one year of the alleged violation of the discovery thereof."

Fact #3: I had multiple discussions with Ms. Walls in the preceding months in which she stated that she understood the necessity of my institution of disciplinary action against VP Greene in order to protect the integrity of the Union.

Fact #4: Ms. Walls had publically fully supported the majority of my decisions, such as voting yes to the 2022 budget and the ratification of the UAW 2350 contract for Local 1000 staff.

Fact #5: Local 1000 can operate without a budget. The Policy File does not require a budget to be passed in regards to spending money. Please see the following link <https://www.sacbee.com/news/politics-government/the-state-worker/article257075222.html> where the information below is stated:

"Legally, there's nothing to stop that from happening, said Eric Gorovitz, a principal attorney at San Francisco-based Adler and Colvin. "As a matter of corporate operation, it doesn't impose legal constraints," Gorovitz said. "It's just a planning device that leadership uses to make sure it manages its money." Gorovitz's firm doesn't have Local 1000 as a client. Gary Messing, a partner with Sacramento-based firm Messing, Adam and Jasmine, which specializes in labor, agreed. An attorney at Messing's firm does some work for Local 1000."

Fact #6: I would like it to be highlighted that on October 7, 2021, I fulfilled the legal obligations of notice required by California Corporations Code § 7341 (reference October 7, 2021 Warning letters to the BOD) when I noticed the entire Board of Directors that any actions in support of the illegal actions from the October 16-17 meeting would be met with disciplinary action, to include suspension. Ms. Walls is a board member who was fully aware of the possibility of suspension for supporting the above mentioned actions. She, and the other rogue Board members codified those illegal actions on March 5, 2022 after their illegal and improper usurpation of my authority.

I am fully vested as the Local 1000 President per Policy File Section 3.0.03 (a) (l), "Administering the daily affairs of Local 1000, carrying out the policies and procedures of Local 1000, executing the plans and programs of Local 1000 and between meetings of the Local 1000 Board of Directors making all necessary interpretations or clarifications of Local 1000 bylaws and policy."

8. Local 1000 staff, under the direction of Chief Counsel (Anne Giese), has supported the 3 VPs retaliatory suspension by allowing VP Secretary-Treasurer, David Jimenez, to act as the President and call an illegal,

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special Board meeting on March 5, 2022. Ms. Giese refused to answer Board members about attending this illegal meeting (reference **Exhibit B**) and therefore many Board members were not in attendance. The meeting on March 5, 2022, wrongly approved the illegal actions from October 16-17, 2021, board meeting by Mr. Hall. Ms. Anne Giese clearly knew that the 3 VPs official duties were suspended per my text message (see the attached **Exhibit M**) that I sent to her at 10:08am on February 26, 2022, instructing her to remind them that only their duties were suspended. Furthermore, Ms. Giese refused to answer emails from some of the Board of Directors about attending the illegal October 16-17, 2021, board meeting (reference **Exhibit B**) and therefore caused confusion and conflict within Local 1000.

9. The illegal March 5, 2022, meeting allowed the Local 1000 HR1 process to be completely changed with an independent counsel paid by Local 1000 through permission from Mr. Hall to be selected by the direction of SEIU International headquartered out of Washington D.C. The purpose of the change was to allow for their “hand selected” Washington D.C. based arbitrator to rule in favor of the 3 VPs retaliatory suspension against me, and to allow the alleged HR1 allegations filed against me from VP of Organizing and Representation, Anica Walls along with her Local 1000 paid Washington D.C. based attorney and her supporter, Michael Gus, to be heard while ignoring my HR1s against the 3 VPs.

It should be noted that Local 1000 has denied paying my full attorney fees even though I am indemnified as a Local 1000 officer but offered a **one-time \$15K payment** for my HR1 defense while paying over \$40K for DLC Billy Hall’s lawsuit against me, Local 1000 and SEIU International. This **one-time \$15K payment** offer was sent to the board on the same day I was notified and could reasonably respond to this offer. See Exhibits MA-FINAL Request for Indemnification to Rothern and Giese 220503 and **Exhibit MB**-Local 1000 \$15K One-Time Offer & Informing the Board. This is clear interference by SEIU International and a true conflict of interest! This is purely a matter of internal politics within SEIU Local 1000. As such, the SEIU International should not change procedure but rather should continue to sustain its prior position (e.g. three SEIU Local 1000 Vice Presidents approached SEIU International about being stripped of their powers and

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prevented from representing the Members in 2019). In this instance, SEIU International set the precedent by deciding such matters were indeed internal union politics and should remain within Local 1000 and not be interfered upon by SEIU International due to violating the Dills Act section 3519.5(b) “Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.” This current situation is analogous to the matter in 2019, and SEIU International therefore should not interfere. There are internal mechanisms provided in the Policy File to regarding such disputes; it is inappropriate – under the Affiliation Agreement, or any other authority – for SEIU International to interfere in matters unique and in the affairs of Local 1000 (See attached **Exhibit N** regarding the Affiliation Agreement Article 111: Local Autonomy and Governance giving the locality the ability to govern and adjudicate local disputes without interference along with other matters).

Due to the “cancerous” collaboration of racism and support for the status quo Local 1000 and/or SEIU International has refused to indemnify me as the duly elected Local 1000 President and member of the Board of Directors while providing legal assistance for VP Anica Walls’ baseless HR1 allegations against me. This indemnify refusal violates the California Corporations Code § 5238. Under this Code § 5238, a nonprofit corporation which describes Local 1000 has the power to indemnify an agent of the corporation who is or may become a party to certain civil or criminal proceedings, against expenses, judgment, fines, settlements, and other amounts actually and reasonably incurred in connection with the proceedings.

I have always acted in good faith as the duly elected Local 1000 and in a reasonable manner to serve all Local represented employees and staff in the best interests for our Union which follows California Corporations Code § 5238 (b). If the action is brought by or for the corporation, the person must have acted in good faith, in a manner the person believed to be in the best interests of the corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. Corp. Code § 5238 (c). Furthermore, “‘agent’ means any person who is or was a director, officer, employee or

other agent of the corporation. Corp. Code § 5238 (a). As the duly elected President, I have always acted in good faith, and in a manner, to serve the best interests for Local 1000 during my presidency, including but not limited to my actions as alleged in Plaintiff William Hall's baseless lawsuit complaint against me. I have always acted in good faith, and in a manner, to serve this Union in the best interests for Local 1000 versus of the things alleged in the charging documents in HR1 brought by Anica Walls and Michael Gus against me. As stated above, I have requested that Local 1000 and/or SEIU International indemnify me in the above referenced action against Mr. William Hall, any and all cross- complaints to that action, and any past and future expenses incurred already by Mr. Brown in litigating the above referenced matter. I have requested to be indemnified for past and future expenses incurred in the baseless HR-1 proceedings brought by Anica Walls and Michael Gus but to no avail.

This "cancerous" collaboration of racism and support for the status quo has stopped Local 1000 and/or SEIU International from indemnifying me as the duly elected Local 1000 President and this denial is willful and intentional.

10. However, SEIU International lawyers have intervened by giving their analysis on my removal in the Walls' HR1 case, which gives a basis against me. It should be noted that SEIU International will also not pay the money owed to Local 1000 for a strike under the affiliation agreement as established in two prior approved strikes for Local 1000 because the former Local 1000 President, Yvonne Walker, stated no strike funds would be paid by Local 1000 nor by SEIU International.

In summary, there has been a well calculated and coordinated effort to remove me from office by Billy Hall, the 3 State-wide officers, and SEIU International. It's funny but yet so ironic that Local 1000 with its biggest financial recipient, SEIU International, parade themselves around as social justice warriors effortlessly promoting Black Lives Matter and other human rights issues while sanctimoniously and simultaneously trying to courageously 'crucify and remove me from office. Members have been paralyzed with the political and

discriminatory actions against me. This cancer that has caused this paralysis must be cured through a resolution so I am able to participate in my union per the Dills Act. I seek to protect the vote of membership by being able to fulfil my legal responsibilities as the Local 1000 President with the hope that voting still matters in our country, specifically in Local 1000 elections. Please do not surrender to political pressure and immediately reinstate my presidency with my full scope of powers. Please invalidate all actions and changes that have taken place since February 27, 2022. PERB must do the right thing in its analysis in the present by analyzing the past when available and necessary because its crucial current decisions will most certainly affect the financial and moral future for all California public sector unions and the voices/votes of dues-union paying members! Please empower peoples' hope and belief in voting with a positive decision that will amply the theme that the old and outdated "fruits of social justice" is not just for the "select few" white voters to enjoy the rich and long term benefits of a union but a "well-balanced" *lifestyle* that incorporates all the food groups aka everyone represented by a union. In other words financial justice (competitive wages) and job representation (protection from abusive management) is what PERB must protect so it must **first** start this protection service by protecting and preserving the voice of ALL voters within a public sector union. I sincerely hope that I won't be another obvious American example of racism and corruption to ensure that the status quo is preserved in this country and in Local 1000 because that is not what the voters in our democracy voted for in their efforts to create a new culture for Local 1000.

Thanks so much,

Richard Louis Brown

Richard Louis Brown

Local 1000 President

Inspire the Impossible 7437

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EXHIBIT A The 2021 Timeline

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- On April 19 the election began
- On May 5 Local 1000 was notified that DLC President Beth Bartel was being transferred.
- On May 28 RLB announced as winner

Steve Alari submits for Emergency Board Meeting on same day that it was announced I, Richard Louis Brown (RLB) had the most votes.

- Was the Board polled to determine a majority?

This is the first action the Board took after it was announced I obtained the most votes. Quite a coincidence.

It was an EMERGENCY that Local 1000 donate \$1M to Gavin Newsom after taking two days pay from from members for 15 months. Are we a union or a PAC?

They lied and told us it was COPE money. It was not-this money came from the Issues Pac.

They lied about representing the members. No poll of membership was taken, how do I know?

- May 28 - Friday - Officially announce RLB most votes
- May 31 - Monday Memorial Day
- June 2 - Wednesday Board meeting

They had 1 working day to poll members.

Everyone needs to understand that this was before the new Board was sworn in. There was a lot of changes to the Board seats on June 30 when the new Board took office.

June 9 - Wednesday -1 week after Emergency Board meeting Local 1000 member Jonah Paul's article is published (7-days since RLB most votes)

June 14 - Monday - article published in SacBee

June 15 - Tuesday - picked up by In These Times (story getting legs)

June 15 - SactoPolitico publishes own article. The first to recognize the hit-job.

"the article buried Brown's response far down in the article, starting in the 16th paragraph."

At the same time FaceBook (FB) haters were creating and repeating their own list of lies.

June 18 - Friday - protest period ends

STOP REMEMBER - I have not even been sworn in yet.

June 27 - Sunday - Sworn in (9 days after protest period ended)

June 30 - Wednesday assumed office

July 1 - Thursday - BUNC union leave, cancelled by Yvonne. Demands to hold SBAC being received and published.

July 2 - do-Over election for VP Bargaining.

- How many elections had Yvonne Walker ran? at least 4
- Was there ever any protests, do-over elections in that time? None according to our research.
- When did Beth Bartel know she was ineligible? May 5
- When was she replaced? September 10

July 2 - Friday - Some BOD calling to not give RLB a quorum

July 6 - Tuesday - Emergency Board meeting - BoD did not provide a quorum

Wednesday night Local 1000 Listens to You begins. Providing members access to the President directly and transparency into how their union works. Sees many full on attacks from opposition and FB haters. Had only assumed office days before. Imagine how much these people had to convince themselves that I was this monster, hell bent on destroying the union.

August 2 - Monday - do-Over election ends

August 6 - Friday - VP Bargaining winner announced

August 10 - Tuesday - Anna and Theresa Taylor show their lack of class.

August 13 - Friday - protest period ends. Irene Green declared VP Bargaining.

August 20 - Friday - Board of Directors call for emergency meeting

Exactly One-week after Irene Green declared VP Bargaining some members of the Board submitted their agenda to change the structure of the union (Bylaws, Policy File).

STOP - from taking office until now it has been 37 working days. In 6-weeks I have been labeled the greatest threat to the union. They said I was going to destroy the union and been called every name. In 37-days some members on the Board determined they had seen enough and that a complete structural change for the union was needed overriding the membership vote.

Or was it only 37 days? The insurrectionist group start writing almost immediately after it was announced that RLB won the election.

August 29 - Sunday - Irene Green sworn in by Yvonne Walker (Irene requested date)

August 30 - First working day with a complete BoD

August 30 - Kevin Healy calls UAW President.

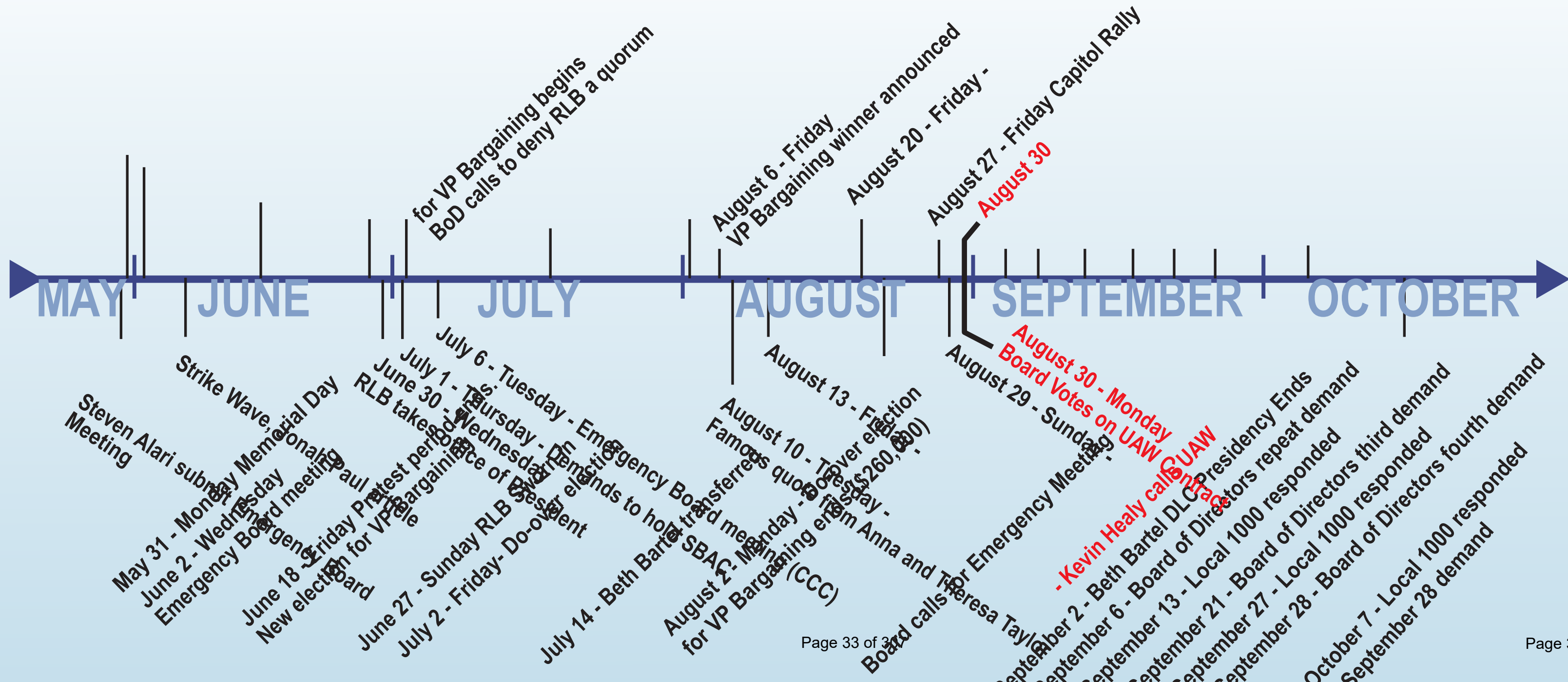
August 30 - BoD votes on UAW contract

The month of September is filled with the Insurrectionist Board members repeating their demand for a meeting while rewriting their agenda items, and editing their justification with each submission.

October 16-17 Insurrectionist hold illegal board meeting.

February 25, 2022 Suspension of the 3 VPs official duties.

February 27, 2022 Suspension of the President.



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EXHIBIT A1 2018 BYLAWS

BYLAWS
of the
UNION OF CALIFORNIA STATE WORKERS (dba SEIU LOCAL 1000)

I NAME

This organization shall be known as the "Union Of California State Workers", hereinafter to be referred to as the "UCSW" doing business as "SEIU Local 1000."

II PURPOSE

The purpose of the UCSW is to build a strong member-led union by educating, organizing, and mobilizing the membership in the workplace, in the political arena, and within the Union itself to improve the living standard and rights of the members, their families and other working people, and to achieve economic and social justice.

III MEMBERSHIP

A. Except for managerial, confidential and supervisory employees, the active membership consists of those civil service employees of the State of California or teaching staff of special schools under the jurisdiction of the Superintendent of Public Instruction, or who are employees of other public or private bargaining units approved by the Board of Directors and represented by the UCSW, and who are current in the payment of dues.

B. Associate membership in the UCSW is limited to those persons who are on authorized leave of absence from the state service or employment in other Local 1000 represented bargaining units and who elect not to be active members. The UCSW may establish additional classes of membership when deemed necessary or appropriate to further the purposes of the UCSW.

C. Membership is effective at the time a signed membership payroll deduction application is received by an authorized representative of the UCSW.

D. Only active members in good standing shall have the right to vote and hold office. Except for the right to elect officers of the UCSW, officers of the DLC to which the member belongs, District Bargaining Unit Representatives, Local Officers, delegates to the General Council of the CSEA and the right to vote on permanent changes to dues, all voting rights of active members shall be exercised by and through their General Council delegates unless otherwise provided by these Bylaws.

IV OFFICERS

A. The officers of the UCSW shall be the President, Vice President/Secretary-Treasurer, the Vice President for Organizing/Representation, and the Vice President for Bargaining.

B. The UCSW Officers shall be elected directly by the members of the UCSW for terms of three years and shall continue to serve until their successors are elected. No person may be elected as an officer of the UCSW who is not an active UCSW member in good standing and satisfies all other conditions for office set forth in the UCSW Policy File.

1. The duties of the President shall include:

- a) Being the spokesperson for the UCSW at sessions of the General Council for all matters affecting the UCSW and presiding over all meetings of the UCSW delegates both while General Council is in session or at other times.
- b) Being the UCSW representative on the Board of Directors of the CSEA.
- c) Scheduling and presiding over all meetings of the UCSW Board of Directors.
- d) Administering the daily affairs of the UCSW, carrying out the policies and procedures of the UCSW Board of Directors, executing the plans and programs of the UCSW Board of Directors, and between meetings of the UCSW Board of Directors making all necessary interpretations or clarifications of UCSW policy.
- e) Being the UCSW's main spokesperson in communicating with media representatives regarding collective bargaining issues, progress of negotiations and/or other items of UCSW policy or position.
- f) With the exception of Bargaining Unit Negotiating Committees (BUNCs), appointing all committee members subject to disaffirmation by the UCSW Board of Directors.
- g) Being, or designating, the UCSW's chief negotiator for any master contract negotiations.
- h) Such other duties as may be prescribed by the UCSW Policy File or directed by the UCSW Board of Directors.

2. The Vice-President/Secretary-Treasurer shall:

- a) Assist the President in administering the affairs of the UCSW and be a UCSW representative to the Board of Directors of the CSEA.
- b) Assume the President's duties in the event of the President's resignation, death, disability or extended absence.
- c) Coordinate fiscal policy and procedures of the UCSW and report the status of UCSW funds; Chairs the Budget, Agenda, and Grants Committees.
- d) Such other duties as may be prescribed by the UCSW Policy File or directed by the UCSW Board of Directors.
- e) Keep or cause to be kept, at the corporation's principal office or such other place as the board may direct, a book of minutes of all meetings, proceedings, and actions of the Board of Directors, of committees of the Board of Directors, and of members' meetings. The minutes of meetings shall

include the time and place of holding, whether the meeting was annual, regular, or special and, if special, how authorized, the notice given, the names of those present at Board of Directors and committee meetings, and the number of members present or represented at members' meetings. The Vice President/Secretary-Treasurer shall keep or cause to be kept, at the principal office in California, a copy of the articles of incorporation and Bylaws, as amended to date.

f) Keep or cause to be kept, at the corporation's principal office or at a place determined by Board of Directors resolution, a record of the corporation's members, showing each member's name, address, and class of membership.

g) Give, or cause to be given, notice of all meetings of members, of the Board of Directors, and of committees of the Board of Directors required by these Bylaws to be given. The Vice President/Secretary-Treasurer shall keep the corporate seal in safe custody and shall have such other powers and perform such other duties as the Board of Directors or the Bylaws may prescribe.

3. The Vice President for Organizing/Representation shall:

a) Attend the UCSW meetings.

b) Act as a spokesperson for the DLCs.

c) Fill DLC vacancies, except for delegates to the General Council, whenever procedures to fill vacancies do not exist or have been exhausted and vacancies still exist.

d) Perform all other duties assigned by the President as related to the activities of the DLCs.

d) Chair the Statewide Chief Steward Committee.

f) Such other duties as may be prescribed by the UCSW Policy File or directed by the UCSW Board of Directors.

4. The Vice President for Bargaining shall:

a) Preside over all meetings of the BUNC chairs.

b) Serve as liaison to the Executive Committee for the BUNC chairs.

c) Attend the UCSW Board of Director's meetings.

d) Act as a spokesperson for the BUNCs.

e) Assist the President or designee with any master contract negotiations.

f) Perform all other duties as assigned by the President as related to activities of the BUNCs.

g) Serve as chair of the Local 1000 Bargaining Committee.

h) Such other duties as may be prescribed by the UCSW Policy File or directed by the UCSW Board of Directors.

V MEETINGS

A. At the call of the President, the UCSW Board of Directors shall meet at least three times per year to discuss the regular and routine business of the UCSW. Special or emergency meetings may also be called by the President as deemed necessary.

B. The President shall also call a meeting of the UCSW Board of Directors upon petition by a majority of the UCSW Board of Directors members.

C. Notice of regular meetings shall be given to the members of the UCSW Board of Directors and their alternates at least 30 days prior to the meeting date. For special or emergency meetings, notice shall be given to the members and their alternates at least five days prior to the meeting date.

D. A majority of the UCSW Board of Directors members shall constitute a quorum. If a quorum is not present, those present may continue to meet for the purpose of giving reports, sharing information, caucusing, and similar activities. However, no business requiring a vote shall be conducted without a quorum.

VI BOARD OF DIRECTORS / EXECUTIVE COMMITTEE

A. The Board of Directors of the UCSW shall be known as the UCSW Board of Directors and shall be comprised of the four officers, the chair of each Bargaining Unit Negotiating Council ("BUNC") and the president of each District Labor Council ("DLC"). Members of the UCSW Board of Directors shall be elected for a term of three years. The UCSW Board of Directors shall be no less than thirty and no more than one hundred fifty as set from time-to-time by the UCSW Board of Directors by a vote of sixty percent (60%) of the UCSW Board of Directors Members. No person may be elected as a member of the UCSW Board of Directors who is not an active member of the UCSW in good standing and satisfies the other conditions set forth in the UCSW Policy File.

B. The UCSW Board of Directors shall have all those powers and responsibilities given to a Board of Directors under corporate law, the CSEA Bylaws, and these Bylaws. In addition, through its adopted Policy File, it may establish all policies and procedures deemed necessary or appropriate to the proper governance of the UCSW or to accomplish its purposes, including the establishment of any subordinate units, councils, locals, offices, or committees.

C. The UCSW Board of Directors may increase or decrease the number of DLCs when necessary either to accommodate new worksites, accommodate changes in Bargaining Units, or when necessary to implement a reapportionment plan adopted by a majority vote of UCSW Board of Directors. The UCSW Board of Directors may also reapportion existing DLCs in accordance with policies, rules and procedures established in the UCSW Policy File.

D. DLC Officers, District Bargaining Unit Representatives, and Local Officers shall be elected directly by the members within their respective jurisdictions and according to those policies, rules and procedures established in the UCSW Policy File.

E. The four UCSW officers shall serve as an Executive Committee and shall have all necessary authority to carry out the policies of the UCSW between meetings of the UCSW Board of Directors. All actions shall be reported to the UCSW Board of Directors at the next UCSW Board of Director's meeting.

VII COMMITTEES

A. The Standing Committees of the UCSW are:

1. African American
2. Agenda
3. Budget
4. Asian Pacific Islander
5. Local 1000 Bargaining

6. Environmental
7. Local 1000 Grants
8. Local 1000 Health & Safety
9. Latin@
10. Lavender (LGBTIQ)
11. Committee on Political Education (COPE)
12. Statewide Chief Steward
13. Workers with Disabilities
14. Veterans Committee; and
15. Women's Committee

B. All standing committees shall report to the UCSW Board of Directors. The duties of each standing committee shall be established in the UCSW Policy File. The President shall be an ex-officio member of each standing committee.

C. The UCSW Board of Directors may create special or ad hoc committees or task forces as it deems necessary.

D. Appointments to all standing committees shall be made by the President from the membership of the UCSW subject to disaffirmation of the UCSW Board of Directors. Appointment to special or ad hoc committees or task forces shall be made by the President unless the UCSW Board of Directors specifies otherwise when creating the committee or task force.

VIII PARLIAMENTARY AUTHORITY

These Bylaws of the UCSW, the UCSW Policy File and Roberts Rules of Order, Newly Revised, latest edition, in that order, shall govern the procedures for all UCSW meetings.

IX AMENDMENT

These Bylaws may be amended by a majority vote of the UCSW Board of Directors, at any regular or special meeting of the UCSW Board of Directors, except as otherwise required by the laws of the State of California.

X PRINCIPAL OFFICE

The principal office for the transaction of the activities, affairs and business of the UCSW shall be located at Sacramento, California. The UCSW Board of Directors may change the principal office from one location to another. Any change in location of the principal office shall be noted by the Vice President/Secretary-Treasurer on these Bylaws opposite this section, or this section may be amended to state the new location.

XI PROVISOS

Upon adoption of these amendments to the Bylaws, all persons holding elected or appointed office in Local 1000 shall remain in office until the expiration of their current terms unless recalled, removed, or replaced by the electing or appointing authority pursuant to procedures set forth in the Local 1000 Policy File.

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EXHIBIT A2 2020 POLICY FILE

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LOCAL 1000 POLICY FILE

DIVISION 1: ESTABLISHMENT, PURPOSE, AND GOVERNANCE

1.0.00 ESTABLISHMENT

1.0.01 Local 1000

SEIU Local 1000 (Local 1000) is the designated representative under the Dills Act (Govt. Code 3500 et seq.) for employees in civil service bargaining units 1, 3, 4, 11, 14, 15, 17, 20, and 21 and under other appropriate collective bargaining laws for those employed under any public service employment program, and any other person employed by a public or private employer who is approved for membership by the Board of Directors. Membership is open to all rank and file employees in those bargaining units, and as otherwise provided by the Local 1000 Bylaws. Local 1000 is affiliated with the Service Employees International Union (SEIU) and the California State Employees Association (CSEA).

1.0.02 Purpose

Local 1000 is a strong, member led union. The purpose of Local 1000 is to have the power necessary to give our members – and all Californians – the opportunity to have a good life, live in sustainable communities and enjoy the fruits of social, economic and environmental justice.

We will achieve this by engaging and developing our members and by creating strategic alliances with key leaders and organizations who share our purpose and values.

1.0.03 Governance: Definitions

(a) Local 1000 Committee of the CSEA Board of Directors:

The Local 1000 committee of the CSEA Board of Directors represent the membership of Local 1000.

(b) Local 1000 Board of Directors:

The Local 1000 Board of Directors serves as the corporate board of directors for Local 1000. It comprises the four statewide officers, the president of each District Labor Council (DLC) and the chair of each Bargaining Unit Negotiating Committee (BUNC).

The Local 1000 Board of Directors sets the direction for Local 1000, determines goals and objectives, adopts and monitors plans, adjusts budgets and evaluates progress in carrying out the purposes of Local 1000, including all matters of employee-employer relations, wages, hours and other terms and conditions of employment. The Local 1000 Board of Directors promotes grassroots union activism through the establishment or strengthening of work site locals, DLCs, Statewide Bargaining Advisory Committees (SBACs), and Bargaining Unit Negotiating Committees (BUNCs). The Local 1000 Board of Directors determines its own rules and procedures, and delegates its authority as it deems expedient within the framework of Local 1000. The Local 1000 Board of Directors has power to interpret and define Local 1000 bylaws and policy in areas of uncertainty or ambiguity.

1.0.04 District Labor Councils

The DLCs carry out Local 1000's programs within designated jurisdictional boundaries. The number of DLCs is determined by the Local 1000 Board of Directors. Members are assigned to DLCs based on permanent worksite locations according to alignment plans established by the Local 1000 Board of Directors. Each DLC is governed by its own executive board.

1.0.05 Bargaining Unit Negotiating Committees

BUNCs are responsible for negotiating contracts for wages, hours, benefits and other terms and conditions of employment for their respective bargaining units. Each bargaining unit has a SBAC consisting of one or more District Bargaining Unit Representatives (DBURs) from each DLC in which the affected bargaining unit has members.

1.0.06 Executive Committee

The four statewide officers (President, Vice President/Secretary-Treasurer, Vice President for Organizing/Representation, and Vice President for Bargaining) serve as the Local 1000 Executive Committee and carry out the policies of Local 1000 and manage the business and affairs of the corporation between meetings of the Local 1000 Board of Directors.

1.0.07 General Council Delegates

Local 1000 is represented at CSEA's General Council by delegates elected directly by the members of their respective jurisdictions, or as otherwise provided by the CSEA or Local 1000 Bylaws. General Council delegates have no role in the governance or administration of Local 1000 except for those responsibilities expressly delegated to them by the Local 1000 Bylaws, this Policy File, or by the express direction of the Local 1000 Board of Directors.

1.1.00 COMMITMENT TO ORGANIZATIONAL EQUITY, INCLUSION AND DIVERSITY

- (a) Local 1000 is committed to organizational equity, inclusion and diversity. It prohibits discrimination in employment based on race, color, sex, religion, national origin, sexual orientation, gender, gender identity, gender expression, ancestry, disability, age, creed, marital status, or political affiliation.
- (b) Local 1000 shall enforce and pursue the development of programs and laws to strengthen the implementation and enforcement of existing civil rights and legislation that promotes diversity and equality.
- (c) Local 1000 shall provide support and representation for those members who believe they have been discriminated against in their work place, by pursuing the filing of charges and legal actions where appropriate.
- (d) Local 1000 shall ensure that Local 1000 itself is in compliance with the letter and intent of appropriate federal and state laws.
- (e) Training in laws and issues relevant to the rights of protected groups identified in this policy shall be incorporated into steward training modules.
- (f) Whenever Local 1000 takes part in or subscribes to a political, cultural or social event, it shall research those individuals or participating organizations and the principal owners, operators or agents for the venues to be utilized, and take appropriate action to ensure that this participation will not support or serve indirectly to advocate for discriminatory policies, activities or measures in any form.

DIVISION 2: MEMBERSHIP

2.1.00 MEMBERSHIP DEFINITIONS

(a) Employee:

All rank and file employees in bargaining units represented by Local 1000.

(b) Member:

A member is an employee who pays dues to Local 1000.

(c) Active Member:

An Active member is a member who is current in the payment of all dues, fees, and assessments.

(d) Associate Member:

An Associate Member is a member who is on unpaid leave of absence from employment. Associate members may participate in Local 1000 programs but may not vote, hold office, serve on committees or serve as job stewards unless expressly approved by the Local 1000 Board of Directors.

(e) Member in Good Standing:

A member in “good standing” is a member who is current in the payment of all dues, fees, and assessments and is not under disciplinary suspension.

2.2.00 MEMBERSHIP EFFECTIVE DATE

2.2.01 Initial Membership

(a) Local 1000 membership is effective at the time a signed membership payroll deduction authorization is received by the Membership department of Local 1000.

(b) New members are deemed to be in good standing at the time Local 1000 receives the membership application.

2.3.00 MEMBERSHIP CARDS

Local 1000 shall provide each member with a membership card or other proof of membership.

2.4.00 WITHDRAWAL FROM MEMBERSHIP

- (a) Immediately upon receipt of a request for cancellation or letter of withdrawal, Local 1000 shall send a letter informing the member of the loss of benefits and requesting the reason(s) for cancellation. A membership application shall be sent with each letter.
- (b) Members who cancel their notice of withdrawal before the loss of dues to Local 1000 shall retain their prior membership status. Employees who reinstate to membership after a loss of dues shall have the status of new members.

2.5.00 MEMBERSHIP STATUS WHILE OFF PAYROLL

2.5.01 Continuation of Benefits

When a member's dues are delinquent because of unpaid leave status, as defined in current collective bargaining contracts, and where such member's group insurance may be jeopardized because of non-membership, the Local 1000 President may continue the active membership by handling the dues as an account receivable.

When an associate member's dues are delinquent, and where such member's group insurance may be jeopardized, the Local 1000 President may continue benefits by handling the dues as an account receivable.

2.5.02 Layoff or Termination

When a member is off the payroll because of layoff or involuntary termination, he or she is eligible for Local 1000 benefits and representation provided membership dues or fees are maintained.

2.5.03 Military Leave

When a member is on full time military leave and off payroll, dues shall be suspended until such time as he or she returns from such leave or is separated from state service/employment within a represented bargaining unit.

2.6.00 MEMBERSHIP LISTS

Local 1000 member lists may be used only for authorized purposes. The complete official membership list shall be maintained by Local 1000 and is the exclusive property of Local 1000.

2.6.01 Provision of Lists

Upon request, a DLC President or BUNC Chair shall be provided a copy of the DLC's or Bargaining Unit's current member list. All membership names and addresses provided to DLCs or BUNCs shall be considered confidential and shall not be copied or distributed to DLC or Bargaining Unit members.

- (a) No DLC President or BUNC Chair is authorized to obtain the member list of any other DLC or BUNC without the written authorization of the affected DLC President or BUNC Chair.
- (b) Member lists shall not be used to disseminate information that is contrary to Local 1000's approved policies or programs; or be sold, loaned or gifted to any person or organization unless expressly authorized by Local 1000.

2.6.02 Use of Name and Emblem or Logo

Local 1000's name, logo, emblem, or graphics may be used only for authorized business purposes.

2.6.03 Use

The member lists shall be used as follows:

- (a) The Local 1000 Board of Directors authorizes staff to disseminate:
 - (1) Official publications and communications as directed by the Local 1000 Board of Directors and budgeted for the normal business of Local 1000 and other publications and communications as directed by the President in connection with the advancement of the Local 1000's stated goals and objectives and organizational activities;
 - (2) DLC, bargaining unit committee, worksite publications and communications within respective jurisdictions at cost of materials, labor and postage to the official requesting mail services;
 - (3) Information to the full membership or any portion thereof on matters relating to member benefits, including PERS-sponsored health programs. These shall comply with the

following criteria: (i) that subject mailings be authorized by the Vice President/Secretary-Treasurer or designee; (ii) that such mailings be at the cost of the organization requesting the mailing; (iii) that the mailings be done in a union print shop, when available, or by a certified mailing company; and (iv) that any mailing list provided to a certified mailing company or outside organization be marked “confidential, do not copy” or be accompanied by a similar notice, and reasonable steps be taken to ensure that any copy of the membership information is returned or destroyed after completion of the subject mailing.

- (b) The Vice President/Secretary-Treasurer may authorize the use of the membership list by Local 1000 to mail material on behalf of an individual member or groups of members. The Vice President/Secretary-Treasurer is authorized to develop forms for member requests for use of membership lists and to make such forms available to members. The following procedures shall apply.
- (c) Any member request for inspection of membership lists or direct mailing by Local 1000 may be denied if the mailing request is not for a proper purpose relating to the member’s rights as a member of the Local 1000, if the mailing would violate the constitutional or statutory rights of other members, if the mailing would create liability for Local 1000 or its members, would be used for a purpose in competition with Local 1000 or would interfere with Local 1000’s legal obligations, or would be used for commercial or political purposes not authorized by the Local 1000 Board of Directors or not conforming to Local 1000’s policies.
- (d) DLCs or BUNCs may utilize the names and addresses of their own members by requesting Local 1000 to provide them with addressed envelopes or labels for use in the conduct of official DLC or BUNC business, the cost of which shall be borne by the DLC or BUNC. DLCs may not receive mailing addresses for members of other DLCs. All membership names and addresses provided to DLCs or BUNCs shall be considered confidential and shall not be copied or distributed to DLC or Bargaining Unit members.

(e) Member Requests:

(1) Member Requests relating to elections:

Individual members who are nominees for an elected position in Local 1000 may request a mailing by submitting a written request to the Vice President/Secretary-Treasurer as follows:

- (i) The request must state (A) the office for which the member is a nominee and (B) the members who are to receive the mailing, which shall be limited to the membership group who is entitled to vote on the office in question; and

- (ii) This request shall use the form provided by Local 1000 for mailing requests, must include a copy of the material to be mailed and must be signed by the member(s) requesting the mailing.
- (iii) The Vice President/Secretary-Treasurer will advise the member of the estimated cost of the mailing promptly, as provided below. The mailing shall be made within ten (10) days after payment of the estimated costs of mailing, unless the Vice-President/Secretary-Treasurer advises the member within that time that the mailing will not be permitted. In making that determination, the Vice President/Secretary-Treasurer shall act in accordance with applicable law.
- (iv) If a mailing request is denied, the member may appeal to the Local 1000 President in writing stating the nature of the appeal. All appeals shall be referred to the Election Committee for resolution under its procedures.

(2) Member Requests relating to other union purposes:

Members who desire to use the union membership list for proper purposes relating to their interest as a member, which are not covered by paragraph (1) above, must apply for use of the membership list by submitting a written request to the Vice President/Secretary-Treasurer, using the following procedure:

The request must state (i) the purpose for the mailing, explaining how such a mailing is in the person's interest as a member; and (ii) which members are to receive the mailing. The Vice President/Secretary-Treasurer shall verify that the member(s) is in good standing. If not, the request will be denied.

This request shall use the form provided by Local 1000 for mailing requests, must include a copy of the material to be mailed and must be signed by the member(s) requesting the mailing.

The Vice President/Secretary-Treasurer will respond within ten business days as to whether the membership list can be used for the mailing and, if the use is authorized. In making this determination the Vice President/Secretary-Treasurer shall act in accordance with applicable law.

If the request is denied or if the member believes that the use of the union membership list as provided for herein for mailing to members does not meet the needs of the member requesting access to the union membership list, the member may appeal to the President in writing stating the nature of the appeal.

(3) Payment of costs of mailing:

When notifying a member that use of the membership list is approved, the Vice President/ Secretary-Treasurer will advise the member of the estimated cost of the services required to do the mailing on the member's behalf. This cost will be at the standard rate for providing such services including mailing either first class mail or by pre-sorted standard mail at the member's option. The member must pay in full for the services prior to the mailing. The check or other proof of payment received for the services shall be copied and a copy shall be attached to the work order.

Disclaimer:

All mailings under this section shall have the following statement prominently displayed on the outside of the mailer at no less than eight point bold print on the bottom or along the side margin of the message, and the return address must be the home address of the person requesting the mailing: "THIS MATERIAL IS NOT PAID FOR OR ENDORSED BY SEIU LOCAL 1000."

DIVISION 3: LOCAL 1000 STATEWIDE GOVERNANCE

3.0.00 LOCAL 1000 BOARD OF DIRECTORS AND STATEWIDE OFFICERS

The Local 1000 Board of Directors serves as the corporate board of directors for Local 1000. It comprises the four statewide officers, the president of each DLC and the chair of each BUNC.

3.0.01 Local 1000 Executive Committee

The four Local 1000 statewide officers shall serve as an Executive Committee. The Local 1000 Board of Directors delegates to the Executive Committee all the necessary authority to carry out the policies, programs and plans of the Local between meetings of the Local 1000 Board of Directors, including but not limited to financial and staff resources; member, leader and staff training and development, political and charitable contributions and assistance to allied organizations. All actions taken by the Executive Committee shall be reported to the Local 1000 Board of Directors at the next regularly scheduled meeting.

3.0.02 Voting

- (a) On all matters before the Local 1000 Board of Directors, each Board member shall have a vote.

3.0.03 Duties of the statewide officers

In addition to those duties set forth in the Bylaws or elsewhere in this Policy File, the duties of the four statewide officers shall include:

- (a) President:
 - (1) Administering the daily affairs of Local 1000, carrying out the policies and procedures of Local 1000, executing the plans and programs of Local 1000 and between meetings of the Local 1000 Board of Directors making all necessary interpretations or clarifications of Local 1000 bylaws and policy.
 - (2) Scheduling and presiding over all meetings of the Local 1000 Board of Directors and the Local 1000 Executive Committee.
 - (3) With the exception of SBACs and their respective BUNCs, appointing all committee members, subject to disaffirmation by the Local 1000 Board of Directors and serving as an ex-officio member of all committees.
 - (4) Representing Local 1000 on the CSEA Board of Directors.

- (5) Being Local 1000's chief negotiator for any master contract negotiations, or may delegate that responsibility to the Vice President for Bargaining for any master contract negotiations.
- (6) Performing such other duties as may be prescribed by the Bylaws, this Policy File or as directed by the Local 1000 Board of Directors.
- (7) Coordinating Local 1000's activities at CSEA General Council and chairing all meetings of Local 1000's General Council delegates.
- (8) Reviewing agenda items submitted for Local 1000 Board of Directors meetings and referring or deferring agenda items.
- (9) Being Local 1000's main spokesperson in communicating with media representatives regarding collective bargaining issues, progress of negotiations or other items of Local 1000 policy or positions.
- (10) Providing methods of communication amongst the Local 1000 Board of Directors, DLCs, SBACs, BUNCs, and Local 1000 members and non-members, on all matters, including those within CSEA, affecting Local 1000.
- (11) Receiving all management notices of changes in terms and conditions of employment.
- (12) Between contract negotiations, appointing all members to meet and confer negotiations with the State of California or other recognized employer which are not unit specific.

(b) Vice President/Secretary-Treasurer:

- (1) Assisting the President in administering the affairs of Local 1000.
- (2) Coordinating Local 1000's fiscal policy and procedures, reporting the status of Local 1000 funds; and chairing the Budget, Agenda, and Grants Committees.
- (3) Keeping, at Local 1000's principal office or such other place as the Local 1000 Board of Directors may direct:
 - (i) Minutes of all meetings, proceedings, and actions of the Local 1000 Board of Directors, committees of the Board, member or delegate meetings;
 - (ii) A copy of the current Articles of Incorporation and Bylaws;

- (4) Serving as one of the Local 1000 representatives on the Board of Directors of CSEA.
- (5) Performing such other duties as may be prescribed by the Bylaws, the Policy File, or as directed by the Local 1000 Board of Directors or Executive Committee.

- (i) Assume the President's duties in the event of the President's temporary absence or disability;
 - (ii) With the Local 1000 statewide officers and Budget Committee prepare the Local 1000 budget for approval by the Local 1000 Board of Directors;
 - (iii) Assist the President in coordinating media relations and dissemination of information.
 - (iv) Chair the Budget, Agenda and Grants Committees.
 - (v) Together with the President, establish accounts at banks or other financial institutions for Local 1000 funds, authorize deposits to and withdrawals from such accounts, review the balances in and transactions affecting such accounts, and to take such action as deemed necessary to insure that deposits and withdrawals from such accounts are made with the approval of the appropriate Local 1000 statewide officers and are used for authorized purposes of Local 1000.

(c) Vice President for Organizing/Representation:

- (1) Acting as a spokesperson for the DLCs.
- (2) Filling DLC vacancies, except for delegates to the General Council, whenever procedures to fill vacancies do not exist or have been exhausted and vacancies still exist.
- (3) Assisting the President in administering the affairs of Local 1000.
- (4) Administering a job steward training and certification program.
- (5) Performing such other duties as may be prescribed by the Bylaws, this Policy File or as directed by the Local 1000 Board of Directors or Executive Committee.
- (6) Reporting to the Local 1000 Board of Directors any needed change in alignment of DLCs.
- (7) Serving as an ex-officio member of the Chief Steward Committee.

(d) Vice President for Bargaining:

- (1) Presiding over all meetings of the BUNC chairs.
- (2) Serving as liaison to the Executive Committee for the BUNC chairs.
- (3) Acting as a spokesperson for the BUNCs.
- (4) Performing all other duties as assigned by the President.
- (5) Serving as chair of the Local 1000 Bargaining Committee.
- (6) Assisting the President or designee with master contract negotiations.
- (7) Performing such other duties as prescribed by the Bylaws, this Policy File or as directed by the Local 1000 Board of Directors or Executive Committee

3.1.00 LOCAL 1000 STATEWIDE OFFICERS LEAVE AND COMPENSATION

(a) Union Leave for the Local 1000 statewide officers:

Local 1000 shall secure union leave for the Local 1000 statewide officers as follows:

The President shall have full time leave, and the other three statewide officers may have a period of leave as determined by the Board.

- (b) Should union leave not be available, Local 1000 shall pay directly to the Local 1000 statewide Officers the State salary the statewide officer would have drawn while on union leave, including any scheduled State salary adjustments during the their term of office. In addition, Local 1000 shall pay the cost of any benefits that would have been paid by the State employer for the period of union leave.
- (c) President's stipend: The President shall be compensated an amount at least equal to the one thousandth highest-paid state employee represented by our union. The President shall be paid her or his state salary, consistent with paragraph (b) above, however, if the annualized salary of the one thousandth highest-paid state employee represented by our union during the prior month exceeds the President's annual state salary, the President shall be paid a stipend equal to the difference between her or his state salary and the annualized salary of the one thousandth highest-paid state employee represented by our union.

- (d) Stipends for the other three statewide officers: Local 1000's three other statewide officers shall be compensated an amount at least equal to fifteen percent less than the one thousandth highest-paid state employee represented by our union. statewide officers shall be paid their state salary, consistent with paragraph (b) above, however, if fifteen percent less than the annualized salary of the one thousandth highest-paid state employee represented by our union during the prior month exceeds the statewide officer's state salary, that statewide officer shall be paid a stipend equal to the difference between her or his state salary and fifteen percent less than the annualized salary of the one thousandth highest-paid state employee represented by our union.
- (e) Stipends shall be prorated consistent with the period of leave.

3.1.01 Vacancies

- (a) In the event of the resignation or death of the President, within 30 days, or at the next Executive Committee meeting, whichever is sooner, the Executive Committee shall elect a new President from among the three vice presidents then in office. The election of the new President by the Executive Committee shall be brought to the Local 1000 Board of Directors for vote to affirm the election by the Executive Committee.
- (b) If any of the vice president positions become vacant, the President shall make an appointment to fill the vacancy until the next regularly scheduled Local 1000 Board of Directors meeting, at which time the Local 1000 Board of Directors shall vote on whether to affirm the appointment.
- (c) Should all four Local 1000 officer positions become vacant, the Chairperson of the Bargaining Unit Negotiating Committee 1 and 4 shall become acting President and Vice President/Secretary-Treasurer. If there is no mutual agreement between the two as to which chair will assume the position of President and which will assume the position of Vice President/Secretary-Treasurer, the choice will be made by drawing lots. A special Local 1000 Board of Directors meeting will be held within 60 days of the four vacancies at which time the Local 1000 Board of Directors will hold an election to fill all four vacancies.

3.2.00 MEETINGS

Meetings of the Local 1000 Board of Directors or any sub-organization of Local 1000, whether at the workplace or other locations, are conducted by and under the authority of the elected officers of Local 1000, the DLC, SBAC, BUNC or other duly authorized body of Local 1000. Non-members, including staff, whose presence is unnecessary to the issues under discussion, may be excluded from such meetings by the presiding officer subject to the disaffirmation of the body.

- (a) The Local 1000 Board of Directors shall meet at least three times per year to discuss routine business of the Local. Special or emergency meetings shall be called by the Local 1000 President as needed to meet operational requirements.
- (b) Upon petition by a majority of the Local 1000 Board of Directors members, the President shall call a special meeting of the Board.
- (1) Such petition shall contain the following information:
 - (i) The specific issue(s) for the proposed agenda and the circumstance(s) or reason(s) such issue(s) cannot reasonably be dealt with at the next regularly scheduled Board meeting;
 - (ii) The potential damage or loss to the Local or its members which is likely to occur if such issue(s) are not resolved at the meeting proposed by the petition;
- (2) Such petition shall be delivered to the Local 1000 President or, in the President's absence, the Vice President/Secretary-Treasurer for consideration 24 hours prior to its circulation.
- (c) Except in urgent situations, notice shall be given to Directors at least 30 days prior to the meeting date.
- (d) In urgent situations, notice shall be given to Directors at least five days prior to the meeting date.
- (e) Notice of meetings shall be the responsibility of the Local 1000 President.

3.2.01 Quorum

- (a) A majority of the Local 1000 Board of Directors shall constitute a quorum.
- (b) Business requiring a vote shall not be conducted without a quorum.

3.2.02 Order of Business

- (a) The order of business of all routine meetings of the Board shall include the following:
 - (1) Report of the agenda committee;
 - (2) Approval of agenda;
 - (3) Approval of minutes;

- (4) Reports;
- (5) Unfinished Business;
- (6) New Business; and
- (7) Added Items.

3.2.03 Parliamentary Procedure

Policy of Local 1000 and Roberts Rules of Order, Newly Revised, latest edition, in that order, shall govern the procedure of Board meetings.

3.2.04 Amending the Policy File

- (a) Amendments to the Policy File may be proposed by any Director.
- (b) All amendments to Local 1000 Policy File must be voted on separately by division or a lesser part.
- (c) Amendment to the Policy File shall be by a majority vote of the Local 1000 Board of Directors.

3.2.05 Source and/or Impact of Funding

Any motion before the Local 1000 Board of Directors that proposes to expend funds not otherwise budgeted must contain a funding source. Proposals in excess of \$20,000 shall be referred to the Budget Committee for an impact analysis prior to vote by the Local 1000 Board of Directors.

3.2.06 Agenda

- (a) Items for inclusion on the agenda must be submitted to the President at least 25 days prior to the date of the meeting and shall be accompanied by factual supporting data. The agenda shall be sent to Local 1000 Board of Directors at least 15 days prior to the meeting.
- (b) Items submitted for the agenda may be referred or deferred by the President. Items referred or deferred by the President will become informational items on the agenda with a recommendation from a committee or in its original form unless the President referred or deferred the item for a specific time period. The Local 1000 Board of Directors may by a majority vote place informational items on the action agenda.

- (c) Agenda action items submitted to the Local 1000 Board of Directors proposing Policy File changes shall be written in appropriate Policy File language.
- (d) Each agenda shall include a list of all previous Local 1000 Board of Directors' motions on which action items have not been completed.
- (e) Special or emergency Local 1000 Board of Directors meeting agenda items need not comply with this policy.

3.2.07 Continuation of Agenda Items

All matters appearing on the agenda which are not disposed of, shall appear on the next agenda as items of unfinished business.

3.2.08 Approval of Meetings

- (a) All meetings of the Local 1000 Board of Directors, SBACs and BUNCs shall be called at the direction of the President or BUNC Chair.
- (b) All meetings of SBACs and BUNCs at Local 1000 expense require prior approval of the President. In the absence of the President, approval must be obtained from the Vice President for Bargaining. Each request must be accompanied by an agenda in order to be approved. Meeting requests for SBACs and BUNCs shall be made by the BUNC Chair. Any denial shall be in writing and appealable to the Local 1000 Board of Directors. The appeal shall be voted on by the Local 1000 Board of Directors within five days.
- (c) All meetings of Local 1000 committees require prior approval of the President.

3.2.09 Executive Sessions

The Local 1000 Board of Directors, SBACs and BUNCs may meet in executive session when discussing development of bargaining strategy, personnel matters, disciplinary actions, representation appeals, or other matters deemed by the President, the Board, or the BUNC Chair as confidential. Executive sessions, when held as a part of regular meetings, shall be scheduled for an announced time certain. Any actions taken during an executive session shall be reported in open session in a manner that does not disclose any of the confidential information.

Attendance at executive sessions shall be restricted to the member(s) of the body holding the meeting, statewide officers, and staff and other individuals who have pertinent

information and whose presence is determined to be necessary by the presiding officer, subject to disaffirmation by the body.

3.2.10 Child Care

Every attempt will be made to provide childcare to members attending Local 1000 meetings.

3.2.11 Board Debate

- (a) The presiding officer shall give preference to the maker and then to the second of a motion to speak first. Thereafter, recognition shall alternate, insofar as practicable, between those favoring the questions and those opposing the question. No member shall speak for more than two minutes, nor speak a second time, until all those wishing to speak on that question have spoken.
- (b) Once a member has spoken to a question, he or she may not thereafter move to close debate without being recognized a second time.
- (c) When the presiding officer judges that members on both sides of a question have had ample opportunity to debate, the presiding officer, on his or her initiative, may propose that debate be closed. If there is objection from the assembly, then the presiding officer shall proceed to put to a vote the question of whether to close debate. Any individual member may also move to close debate at any time, provided there has actually been debate on the issue. It shall take a two-thirds vote to close debate on any main motion, but debate may be closed for amendments and procedural motions by a majority of the Local 1000 Board of Directors.
- (d) Nothing in this section is intended to limit the authority of the Local 1000 Board of Directors to adopt a motion to either extend or limit debate as otherwise provided by its parliamentary authority.

3.2.12 Requests for Personal Privilege and Information

- (a) Procedural Privilege:

If a member's ability to participate fully or effectively in the meeting is hindered in some way, that member has the right to be recognized immediately upon a point of personal privilege, and the presiding officer shall address the problem immediately.

- (b) Nonprocedural Privilege:

All other points of personal privilege shall be recognized at the discretion of the presiding officer. The presiding officer has the discretion to require that he or she be provided with written notice of a member's desire to make a point of personal privilege that is not procedural. The presiding officer shall defer to the time immediately prior to the next recess or adjournment all such points that do not, in the presiding officer's judgment, warrant earlier attention.

(c) Request for Information:

A member may interrupt a speaker to request information from the presiding officer that is relevant to the discussion. A request for information shall not be used to engage in debate. If, in the presiding officer's judgment, a member has intentionally misused a request for information, the presiding officer may deem the member as having spoken to the question and shall not recognize the member further until all other members wishing to speak to the question have done so.

DIVISION 4: DISTRICT LABOR COUNCILS

4.0.00 DISTRICT LABOR COUNCILS

4.0.01 Purpose of the District Labor Councils

- (a) The DLC is the organization of members and stewards that carries out Local 1000's programs within its jurisdictional boundaries. The DLC also coordinates the administration of worksite locals, which may be created within the DLC's jurisdiction.
- (b) The DLC also serves as the basic structure for members to participate in the democratic decision making process.
- (c) Geographic Jurisdiction of the DLC:
 - (1) The jurisdiction of a DLC is determined by the Local 1000 Board of Directors.
 - (2) Members are assigned to DLCs based on permanent worksite locations.
 - (3) The jurisdiction of a DLC may be realigned by the Local 1000 Board of Directors.
 - (4) The Local 1000 Board of Directors must approve any realignment of DLCs prior to implementation.
 - (5) No DLC officer or DBUR shall lose his or her position by virtue of such realignment until his or her existing term of office has expired.
 - (6) At least six months prior to each election cycle, the Local 1000 Board of Directors shall determine if any realignments are necessary and take appropriate action.

4.0.02 Responsibilities of the DLCs

- (a) The DLC shall:
 - (1) Organize and carry out the Local 1000's representation, recruitment, bargaining and political programs through networks of members and stewards within its jurisdiction.
 - (2) Hold membership and executive board meetings at least quarterly.

- (3) Give at least seven days public or written notice to all stewards and to each worksite for all DLC general membership and executive board meetings.
- (4) Provide funds to its Worksite Locals when feasible, and coordinate and monitor the activities of Worksite Locals under its jurisdiction. The DLC shall establish procedures by which funds are disbursed.
- (5) Make annual financial reports to the DLC membership.
- (6) Recruit and help train stewards.
- (7) Hear complaints and appeals against the Worksite Locals by their members.
- (8) Assist in the development and enforcement of Local 1000 policy.
- (9) Inform their members of the fact that representation is available for those who express a need for such help.
- (10) Publicize to their members the person(s) to whom grievance problems are to be referred.

4.0.03 District Labor Council Officers

The officers of the DLC are President, Vice President/Chief Steward, Secretary/Treasurer or Secretary and Treasurer, and Senior Stewards from worksite locals. They are elected from and by Local 1000 members within the jurisdiction of the affected DLC.

4.0.04 District Labor Council Executive Boards

- (a) The Executive Board is made up of the DLC President, Vice President/Chief Steward, Secretary/Treasurer or Secretary and Treasurer, each Senior Steward and one DBUR per bargaining unit within the DLC.
- (b) Upon petition of two-thirds of the DLC Executive Board members, the President shall call a special meeting of the Executive Board or DLC Membership for the purposes designated by the petition.
- (c) The Executive Board by majority vote shall determine if the office of the Secretary/Treasurer shall be divided or combined prior to the beginning of the election cycle or if either office becomes vacant.
- (d) DLC officers may not concurrently hold another office in Local 1000, except that of General Council delegate.

- (e) All DLC officers and DBURs must be members of Local 1000 and be certified stewards.

Any DLC officer or DBUR shall forfeit his or her position upon ceasing to work within the jurisdiction of the DLC. Exceptions exist when:

- (1) A DBUR who is a BUNC member:
 - (i) Has been involuntarily transferred to a different DLC but remains within the bargaining unit.
 - (ii) Voluntarily transfers from a state restriction of appointment list in lieu of layoff.
 - (iii) No DBUR who is a BUNC member shall lose his or her position by virtue of such reassignment.
 - (iv) If positions on the BUNC have designated seats, the SBAC, by its rules, may make exceptions to the designation when either (i) or (ii) above occurs.
- (2) An elected official of the DLC is on a disability leave for less than 90 days or for over 90 days with the approval of the DLC Executive Board.

4.0.05 Duties of the DLC Officers

- (a) Duties of the DLC President:

The DLC President shall be responsible for the activities of the DLC and ensuring the proper administration of the DLC:

- (1) Represent the DLC as a member of the Local 1000 Board of Directors;
- (2) Assist in the development and implementation of Local 1000's policies and programs;
- (3) Serve on Local 1000 committees as requested by the Local 1000 President;
- (4) Assist the Chief Steward in training Senior Stewards and may serve as trainer for other DLC training activities, evaluate and monitor those training programs;
- (5) Appoint all members to DLC committees subject to disaffirmation by the DLC Executive Board;

- (6) Appoint a local appeals panel to hear complaints from worksite members concerning DLC or Worksite Local activities;
- (7) Publish the financial report yearly to the members of their respective DLC; and
- (8) Schedule and preside over all meetings of the DLC Executive Board and general membership meetings.

(b) Duties of the Vice President/Chief Steward:

The Vice President/Chief Steward is responsible for the administration of the steward training and contract enforcement program and shall:

- (1) Serve in place of the DLC President in the President's absence, or upon the President's request, except when otherwise provided by law or by the Local 1000 Bylaws;
- (2) Ensure the continuing certification of all worksite stewards within the jurisdiction of the DLC;
- (3) Report quarterly to the Local 1000 Vice President for Organizing/Representation on the implementation and status for the representation program;
- (4) Communicate grievance settlements and information to the senior stewards for training worksite stewards;
- (5) Perform such other duties as requested by the DLC President; and
- (6) Serve as a member of the DLC Executive Board.

(c) Duties of the Secretary/Treasurer:

The Secretary/Treasurer is the financial officer of the DLC and shall:

- (1) Maintain minutes of all DLC meetings and forward copies to the Vice President for Organizing/Representation for appointments and copies to Local 1000 Accounting;
- (2) Maintain the DLC's bylaws, and retain a copy of the Local 1000 Policy File and Bylaws;
- (3) Present any financial reports when requested by the DLC Executive Board and annually to the members of the DLC;

- (4) Prior to December, call a meeting of the DLC Executive Board to prepare a budget for the upcoming year;
 - (5) Present the proposed budget at a membership meeting for approval, prior to the upcoming budgetary year;
 - (6) Perform such other duties as requested by the DLC President; and
 - (7) Serve as a member of the DLC Executive Board.
- (d) If the DLC has divided the office of Secretary/Treasurer then the duties shall be as follows:

(1) Duties of the Secretary:

- (i) Take, maintain, and submit to appropriate persons the minutes of all DLC meetings;
- (ii) Maintain the DLC's bylaws; and
- (iii) Perform such other duties as requested by the DLC President.

(2) Duties of the Treasurer:

- (i) Coordinate the financial records of the DLC with Local 1000;
- (ii) Report the status of DLC finances to the DLC Executive Board;
- (iii) Prior to December, call a meeting of the Executive Board to prepare a budget for the upcoming year;
- (iv) Present the proposed budget at a membership meeting for approval prior to the upcoming budgetary year; and
- (v) Perform such other duties as requested by the DLC President.

4.0.06 Duties of the District Bargaining Unit Representatives

There shall be one DBUR for each bargaining unit that has members in that bargaining unit within the jurisdiction of the DLC unless an alternative SBAC structure has been approved by the Local 1000 Board of Directors.

DBURs shall:

- (a) Participate in SBAC meetings;
- (b) Elect the BUNC, and the Chair, Vice Chair and Alternate Vice Chair;
- (c) Serve as the conduit for information from the SBAC and the BUNC to the members of their DLC;
- (d) Participate in bargaining campaign activities;
- (e) Solicit, receive and compile concerns relating to wages, hours and working conditions from the stewards and members;
- (f) Bring these concerns forward to the SBAC for discussion and, when requested, provide contract proposals in writing;
- (g) Educate stewards and members on the contract and help coordinate the ratification/strike vote;
- (h) Serve on the DLC Executive Board as a voting member (if an alternative SBAC structure has been approved by the Local 1000 Board of Directors, there shall be only one DBUR per bargaining unit with a vote on the DLC Executive Board); and
- (i) Perform such other duties as requested by the DLC President and bargaining unit chair.

4.0.07 Filling of the DLC Vacancies

Vacancies in a DLC office occurring through circumstances other than “recall” shall be filled as follows:

- (a) President:

In the event of a vacancy in the office of President, the Vice President/Chief Steward assumes the office of President.

- (b) President and Vice President/Chief Steward Simultaneously:

Should the offices of President and Vice President/Chief Steward become vacant simultaneously, the order of succession shall be Secretary/Treasurer or Treasurer then the Secretary.

- (c) All Officers Simultaneously:

Should all officer positions become vacant simultaneously, the Vice President for Organizing/Representation shall call a special meeting of the DLC Executive Board to be held within 24 hours of confirmation of such emergency situation. The DLC Executive Board shall meet, elect a temporary chair from among their ranks and proceed to immediately elect a President. The election must be ratified by the DLC membership at a called meeting within 90 days of the appointment.

(d) Other Officers:

To fill a vacancy among the DLC officers, except as provided above, the President shall make an appointment from stewards within the DLC. Such appointment shall take effect immediately, upon written notification to the Vice President for Organizing/Representation, but must be ratified either by the next DLC Executive Board or membership meeting. The pertinent minutes shall be delivered to the Vice President for Organizing/Representation.

(e) District Bargaining Unit Representatives:

Except in circumstances where the vacancy exists because the position was declared vacant pursuant to section 7.0.05, the DLC President shall make an appointment from the membership of the respective bargaining unit in the DLC. Such appointment shall take effect immediately upon written notification to both the Vice President for Organizing/Representation and the Vice President for Bargaining but must be ratified either by the next DLC Executive Board or membership meeting. The pertinent minutes shall be delivered to the Vice President for Organizing/Representation. If the position was declared vacant pursuant to section 7.0.06, the procedures set forth in that section shall apply.

4.1.00 WORKSITE LOCALS

4.1.01 Structure and Responsibilities of the Worksite Locals

- (a) The worksite locals are officially designated organizations of stewards and members within a District Labor Council.
- (b) District Labor Council Executive Boards may propose the creation, dissolution, or modification of worksite locals within their jurisdiction. Such proposals must be submitted in writing to the Vice President for Organizing/Representation and shall be placed on the next Local 1000 Board of Directors agenda for confirmation, modification or rejection.

- (c) The Worksite Locals shall have up to two officers, the Senior Steward and an optional Secretary/Treasurer.
- (d) The Worksite Local Executive Committee shall consist of the Worksite Local officers and the stewards with the purpose of coordinating member activities.
- (e) No Senior Steward will be removed from a DLC Executive Board during his or her term of office by creation, dissolution, or modification of a Worksite Local.

4.1.02 Duties of the Worksite Local Officers

(a) Duties of the Senior Steward:

The Senior Steward is responsible for all activities of the local, ensuring proper administration of the local and shall:

- (1) Organize all activities and programs;
- (2) Report to the DLC President the progress and results of all organizing activities;
- (3) Serve as a member of the DLC Executive Board;
- (4) Report to the DLC Vice President/Chief Steward all representational activities, including grievances filed and training provided; and
- (5) Perform such other duties as requested by the DLC President.

(b) The Local Worksite Secretary/Treasurer shall:

- (1) Maintain minutes of all worksite Local meetings;
 - (2) Prepare the budget with the assistance of the Senior Steward;
 - (3) Report to the DLC Secretary/Treasurer all expenditures of funds; and
 - (4) Perform such other duties as assigned by the Senior Steward or DLC President.
- (c) If the Worksite Local has no Secretary/Treasurer, the above duties shall be fulfilled by the Treasurer or Secretary/Treasurer of the DLC.

DIVISION 5: COMMITTEES

5.0.00 COMMITTEES

(a) The Standing Committees of Local 1000 are:

- (1) African American;
- (2) Agenda;
- (3) Asian Pacific Islander;
- (4) Local 1000 Bargaining;
- (5) Budget;
- (6) Committee on Political Education (COPE);
- (7) Environmental;
- (8) Local 1000 Grants;
- (9) Local 1000 Health and Safety;
- (10) Latin@;
- (11) Lavender (LGBTIQ);
- (12) Native American;
- (13) Statewide Chief Steward;
- (14) Workers with Disabilities;
- (15) Veterans Committee; and
- (16) Women's Committee.

(b) Committee appointments:

- (1) Unless otherwise provided by the Bylaws or this Policy File, appointments to any standing, special or ad hoc committee or task forces shall be made by the President from the membership of Local 1000, subject to disaffirmation of the Local 1000 Board of Directors. The appointments shall be effective on the date(s) specified by the President. The President shall attempt to appoint members to no more than one committee, and appoint members from all areas of the state and representatives from each bargaining unit.
- (2) The Vice President/Secretary-Treasurer shall chair the Budget, Agenda and Grants Committees.
- (3) The Vice President for Organizing/Representation shall chair the Statewide Chief Steward Committee.
- (4) The Vice President for Bargaining shall chair the Local 1000 Bargaining Committee.

5.1.01 African American Committee

The committee shall be responsible for review of the policies, training or apprenticeship programs, wages, working conditions and programs established by the State/Employer that affect or impact all African American state employees, and members of the Local 1000. The committee shall also make any needed recommendations to the Local 1000 Board of Directors or the Local 1000 statewide officers.

Duties and Responsibilities:

- (a) To organize and train Local 1000 African American Members to assume leadership roles.
- (b) To educate and inform all Local 1000 members about the needs and concerns affecting African Americans, identifying issues of particular concern, and supporting Local 1000 through its leadership roles by means of more educated and prepared African American members.

5.1.02 Agenda Committee

The committee is responsible for review of all items submitted for addition to the Local 1000 Board of Directors agenda. Only Local 1000 Board of Directors members may be appointed to the Agenda Committee.

Duties and Responsibilities

- (a) The Agenda Committee shall meet immediately prior to the Local 1000 Board of Directors meeting to review all items submitted for addition to the agenda. Each item submitted to the committee as an emergency item to be placed on the action agenda of the Local 1000 Board of Directors shall meet one or more of the following standards:
 - (1) Must arise out of circumstances which could not reasonably have been foreseen by the deadline for submission of regular agenda items;
 - (2) Some substantial damage or loss to Local 1000 or its members will occur if action is not taken; or
 - (3) The proposed action involves some nonrecurring opportunity or benefit, which will be lost if not acted upon.
- (b) Any item approved by the Agenda Committee shall become an action item of the agenda. Any item rejected by the Agenda Committee shall be reported to the Board and may become an action item by a majority vote of the Local 1000 Board of Directors.

5.1.03 Asian-Pacific Islander Committee

The committee shall be responsible for review of the policies, training or apprenticeship programs, wages, working conditions and programs established by the State/Employer that affect or impact all Asian-Pacific Islander state employees, and members of the Local 1000. The committee shall also make any needed recommendations to the Local 1000 Board of Directors or the Local 1000 statewide officers.

Duties and Responsibilities:

To organize and train Local 1000 Asian-Pacific Islander Members to assume leadership roles.

- (a) To educate and inform all Local 1000 members about the needs and concerns affecting Asian-Pacific Islanders, identifying issues of particular concern, and supporting Local 1000 through its leadership roles by means of more educated and prepared Asian-Pacific Islander members.

5.1.04 Local 1000 Bargaining Committee

The Local 1000 Bargaining Committee consists of the President, Vice President for Bargaining and all BUNC Chairs. The Vice President for Bargaining shall serve as chair of this committee.

5.1.05 Budget Committee

The Local 1000 Budget Committee shall oversee the Local 1000 budget.

Duties and Responsibilities

- (a) With the assistance of the Local 1000 statewide officers, develops the multi-year budget which is approved by the Local 1000 Board of Directors for presentation to the GC delegates whenever GC meets.
- (b) Recommends to the Local 1000 Board of Directors, for approval, line item adjustments to the budget.
- (c) Reviews proposed programs of Local 1000.
- (d) For those items in excess of \$20,000, shall present an impact analysis to the Local 1000 Board of Directors.
- (e) Recommends to the Local 1000 Board of Directors adoption, amendment or rejection of motions subject to its review.

5.1.06 Committee on Political Education (COPE)

- (a) The Committee on Political Education is the conduit for Local 1000's legislative and political program and shall:

- (1) Be composed of members who are contributors to Local 1000's Political Action Fund (COPE) and who actively recruited others to do so and have actively participated in Local 1000's electoral and legislative program for at least one year. In appointing committee members the President shall endeavor to reflect both the geographic distribution and party registration, including decline to state of the membership.
- (2) Make recommendations to the Local 1000 Board of Directors on legislative priorities, endorsements of ballot measures, candidates, and a political action budget for each election cycle.
- (3) Keep informed of Local 1000's legislative and political programs, including those of the SEIU California State Council, central labor councils, Change to Win, The California Federation of Labor, and the SEIU International.
- (4) Promote voter registration drives through Local 1000.
- (5) Encourage membership participation in grassroots campaigns, propositions, legislation, candidate recommendations, issues, etc.
- (6) Keep informed on bills introduced on state and federal levels directly related to member needs.
- (7) Discuss issue(s) of regional and statewide impact, and recommend plans of action to the Local 1000 Board of Directors.
- (8) Recommend to the Local 1000 Board of Directors which campaigns to participate in at the grassroots level.

5.1.07 Environmental Committee

The Environmental Committee shall oversee the implementation of a coordinated environmental and environmental justice program consistent with Local 1000 policy and all applicable provisions of contracts in force.

The committee shall also make any needed recommendations to the Local 1000 Board of Directors and/or the Local 1000 statewide officers.

Duties and Responsibilities:

- (a) To educate and inform all Local 1000 members about environmental issues affecting our Local's members, society, and the working class in general.
- (b) To identify environmental and environmental justice issues of particular concern and to support Local 1000 and its individual members in taking collective action on these issues through the committee's leadership roles in encouraging more educated, prepared, and environmentally conscious members.

5.1.08 Local 1000 Grants Committee

- (a) Local 1000 Grants Committee shall review requests for grants submitted by DLCs. The committee may approve, modify or reject the grant.
- (b) Approved grants will be in the form of fixed monthly revenue or a lump sum.
- (c) The Local 1000 Grants Committee may require periodic reports on the use of the grants from the DLCs.
- (d) Grants may be denied for sufficient reason. The DLC shall be notified of the reasons for the denial.
- (e) The DLC may appeal any action of the grants committee to the Local 1000 Board of Directors whose decision is final.
- (f) The Local 1000 Grant Fund shall not exceed \$100,000.

5.1.09 Local 1000 Health and Safety Committees

The Local 1000 Health and Safety Committee, with the direction from the Vice President for Bargaining, shall oversee the implementation of a coordinated health and safety program consistent with Local 1000 policy and all applicable provisions of the contracts in force.

5.1.10 Latin@ Committee

The committee shall be responsible for review of the policies, training or apprenticeship programs, wages, working conditions and programs established by the State/Employer that affect or impact all Latino/Latina state employees, and members of the Local 1000.

The committee shall also make any needed recommendations to the Local 1000 Board of Directors or the Local 1000 statewide officers.

Duties and Responsibilities:

- (a) To organize and train Local 1000 Latino/Latina members to assume leadership roles.
- (b) To educate and inform all Local 1000 members about the needs and concerns affecting Latino/Latina members, identifying issues of particular concern, and supporting Local 1000 through its leadership roles by means of more educated and prepared Latino/Latina members.

5.1.11 Lavender – Lesbian, Gay, Bisexual, Transgender, Intersex, Queer (LGBTIQ) Committee

The committee shall be responsible for review of the policies, training or apprenticeship programs, wages, working conditions and programs established by the State/Employer that affect or impact all LGBTIQ state employees, and members of the Local 1000. The committee shall also make any needed recommendations to the Local 1000 Board of Directors or the Local 1000 statewide officers.

Duties and responsibilities:

- (a) To organize and train Local 1000 LGBTIQ members to assume leadership roles.
- (b) To educate and inform all Local 1000 members about the needs and concerns affecting LGBTIQ members, identifying issues of particular concern, and supporting Local 1000 through its leadership roles by means of more educated and prepared LGBTIQ members.

5.1.12 Native American Committee

The committee shall be responsible for review of the policies, training or apprenticeship programs, wages, working conditions and programs established by the State/Employer that affect or impact all Native American state employees, and members of Local 1000. The committee shall also make any needed recommendations to the Local 1000 Board of Directors or the Local 1000 statewide officers.

Duties and Responsibilities:

- (a) To organize and train Local 1000 Native American Members to assume leadership roles.
- (b) To educate and inform all Local 1000 members about the needs and concerns affecting Native Americans, identifying issues of particular concern, and supporting Local 1000 through its leadership roles by means of more educated and prepared Native American members.

5.1.13 Statewide Chief Steward Committee

- (a) This committee shall consist of one Chief Steward from each representational area: Southeast (Rancho Cucamonga), Southwest (Los Angeles), Coastal (Oakland), Central Valley (Fresno), and Sacramento (Midtown, Downtown, and the outlying area). The statewide committee shall meet at least quarterly. Such meetings may be by conference call.
- (b) The Statewide Chief Steward Committee is responsible for review of the overall steward and workplace representation program and shall make recommendations to the Local 1000 Board of Directors regarding the following:
 - (1) Quality, uniformity and availability of steward training;
 - (2) Functioning of the statewide grievance tracking system;
 - (3) Quality, uniformity and availability of member representation;
 - (4) Review policy affecting the steward program;
 - (5) Determine the process by which decisions are made as to which grievances will be approved or denied for arbitration with the participation of the Vice President for Organizing/Representation; and
 - (6) Hear all appeals of representation.
- (c) The Vice President for Organizing/Representation is Chair of the Statewide Chief Steward Committee.

5.1.14 Workers with Disabilities Committee

The committee shall be responsible for reviewing policies, training or apprenticeship programs, wages, working conditions and programs established by the State/Employer that affect or impact all state workers with disabilities, and members of Local 1000. The committee shall also make any needed recommendations to the Local 1000 Board of Directors or the Local 1000 statewide officers.

Duties and Responsibilities:

- (a) To organize and train Local 1000 members with disabilities to assume leadership roles.
- (b) To educate and inform all Local 1000 members about the needs and concerns affecting its workers with disabilities, identifying issues of particular concern, and supporting Local 1000 through its leadership roles by means of more educated and prepared members with disabilities.

5.1.15 Veterans Committee

The committee shall be responsible for review of the policies, training or apprenticeship programs, wages, working conditions and programs established by the State/Employer that affect or impact all veterans of military service state employees, and members of the Local 1000. The committee shall also make any needed recommendations to the Local 1000 Board of Directors or the Local 1000 statewide officers.

Duties and Responsibilities:

- (a) To organize and train Local 1000 veterans of military service members to assume leadership roles; and
- (b) To educate and inform all Local 1000 members about the needs and concerns affecting veterans of military service members, identifying issues of particular concern, and supporting Local 1000 through its leadership roles by means of more educated and prepared veterans of military service members.

5.1.16 Women's Committee

The committee shall be responsible for review of the policies, training or apprenticeship programs, wages, working conditions and programs established by the State/Employer that affect or impact all women state employees, and members of the Local 1000. The committee shall also make any needed recommendations to the Local 1000 Board of Directors or the Local 1000 statewide officers.

Duties and Responsibilities:

- (a) To organize and train Local 1000 women members to assume leadership roles; and
- (b) To educate and inform all Local 1000 members about the needs and concerns affecting women members, identifying issues of particular concern, and supporting Local 1000 through its leadership roles by means of more educated and prepared women members.

DIVISION 6: STEWARDS

6.0.00 STEWARDS

6.0.01 Purpose

A Local 1000 steward acts with diplomacy and ethics and is a respected resource. As an agent of Local 1000, a steward advocates for and educates our members. A steward enforces the contract by applying sound knowledge of our hard-earned rights and benefits. A steward fosters unity and strength in the worksite through leadership reflecting the values and goals of Local 1000.

6.0.02 Definitions

(a) Steward:

This level of steward has been trained and certified by Local 1000 to provide effective representation to employees within a designated area.

(b) Senior Steward:

In addition to the training and certification as a steward, this level of steward assists other stewards, coordinates the work of stewards within a particular local of a DLC and reports to the Chief Steward.

(c) Chief Steward:

In addition to the training and certification as a steward, this level of steward advises and counsels other stewards within the DLC.

6.0.03 Duties and Responsibilities of All Stewards

- (a) Acting as an agent of Local 1000 representing and advocating for all Local 1000 represented employees.**
- (b) Recruiting employees to Local 1000 membership, engaging them in Local 1000 activities, and encouraging and developing their skills and leadership.**
- (c) Creating and maintaining positive relationships among members, stewards and Local 1000 staff through effective listening, communication and action.**

- (d) Gathering data, maintaining records and reporting to Local 1000 as required for contract negotiations, grievances, legislation or other union purposes.
- (e) Promoting membership in Local 1000's Committee on Political Education (COPE).

6.0.04 Recording and Reporting

Recording and reporting shall be a priority for all certified stewards. The reports from stewards on both formal and informal grievances and complaints shall be maintained by Local 1000 in such a way as to provide stewards with resource information, precedent, past practice and results, and to provide our bargaining teams with information about experience factors on issues and provisions contained within the contracts, the California Department of Human Resources and SPB Laws and Rules and departmental policies.

Stewards shall provide the Vice President for Representation/Organizing with timely written information, when requested, about informal and formal grievances and complaints, meet and confers, steward activities, appeals, expenses incurred, their contact information, level of experience and willingness to represent co-workers in the worksite.

6.1.00 TRAINING

The training plan is designed to provide a uniform, comprehensive and on-going program of training for stewards.

6.1.01 Steward Certification Training

(a) Eligibility:

Only active members in good standing in Local 1000 are eligible for certification as stewards.

Members who wish to be certified must complete the Leadership Apprentice Program for Stewards (LAPS).

(b) Course Content:

Training shall be designed to provide an introduction to union history, mission and structure, the role of stewards, organizing in the workplace, the importance of diversity in the workplace, and to insure that stewards are capable of identifying appropriate processes to apply in resolving worksite problems related to scope, matters including the interpretation, application, and enforcement of the contract, and other written rules and

policies. This capability will include the analysis, preparation and presentation of grievances and complaints.

6.1.02 Continuous Training

Continuous training for stewards shall be provided that will insure improvement in knowledge and skills, and contribute to higher levels of proficiency in uniting, mobilizing and advocating for represented workers. Elements of such training shall be mandatory in accordance with Local 1000 policy.

(a) Eligibility:

Any active member in good standing certified as a steward in Local 1000 may be enrolled in on-going training.

(b) Course Content:

The content of on-going training shall include, but not be limited to, the subject areas of individual and group workplace representation, organizing, bargaining, politics, governance and other relevant subjects.

6.1.03 New Memorandum of Understanding Training

Effective upon final ratification of each new Memorandum of Understanding (MOU), also called the contract, Local 1000 shall conduct training that covers the changes in each successor MOU. The course content shall cover all changes and amendments contained in the successor MOU and their application to Local 1000 represented employees.

6.2.00 STEWARD CERTIFICATION AND CONTINUED CERTIFICATION

6.2.01 Continued Steward Certification

(a) A steward is eligible for continued certification provided he or she has:

- (1) Completed any new MOU training within 90 days after its final ratification unless otherwise provided by the Local 1000 Board of Directors.
- (2) Completed at least one advanced training course per year (tracked by Local 1000).
- (3) Attended at least two DLC events per year (shall be confirmed by the DLC).

- (4) Effective January 1, 2016, earned 60 activity points per calendar year. Earned no fewer than five activity points in each of four consecutive months. A steward who fails to satisfy these requirements will forfeit their steward certification immediately.
- (5) Met recording and reporting requirements.
- (6) Fulfilled any other duties of stewards enumerated in the Policy File.
- (7) A steward who fails to satisfy all of the requirements specified in paragraphs (1) through (6) by December 31 of a calendar year shall forfeit her or his steward certification on January 1 of the following calendar year.

6.3.00 CORRECTIVE ACTION

(a) Corrective Action:

(1) Institution of Action:

If the DLC Vice President/Chief Steward, DLC President, or if no Chief Steward, Senior Steward determines the performance of a steward is not satisfactory, he or she will institute corrective action.

(2) Actions to be taken:

Such corrective action should be progressive in nature in order to allow the steward every opportunity to fulfill his or her responsibilities and to perform his or her duties.

Such actions will include:

- (i) Verbal counseling to advise the steward of any deficiencies and to offer assistance, counseling or training as needed;
- (ii) Written instructions should be given to the steward if previous counseling has not corrected the problem(s) within 21 days of verbal counseling; and
- (iii) If a steward fails to carry out the steward responsibilities the Chief Steward or DLC President may petition the Local 1000 President to remove the steward for cause. The steward must be given a copy of the petition.

(3) Removal:

The Local 1000 President will send the petition to the Statewide Chief Stewards Committee. The petition shall be reviewed and a determination made by the statewide chief stewards committee within 30 days.

Any committee member involved in the removal of a steward shall not take part in the deliberations or decision of the Statewide Chief Steward Committee. Decisions of the Statewide Chief Stewards Committee regarding decertification may be appealed to the Local 1000 Board of Directors by written communication to the Vice President for Organizing/Representation within ten days of receipt of the decision.

6.3.01 Forfeiture of Stewardship

(a) A steward shall forfeit his or her position when:

- (1) The steward is no longer a member of the bargaining unit for which Local 1000 is the exclusive representative;
- (2) The steward resigns from state service or employment within a represented bargaining unit, or is involuntarily terminated from state service or employment within a represented bargaining unit, and has concluded his or her administrative appeal rights;
- (3) The steward does not meet the continued certification requirements outlined in 6.1.02;
- (4) The steward is removed for cause; or
- (5) He or she voluntarily resigns as a steward.

DIVISION 7: BARGAINING

7.0.00 STATEWIDE BARGAINING ADVISORY COMMITTEES

7.0.01 Purpose of the SBAC

- (a) Identify and set the priorities for contract negotiations;
- (b) Provide organizing support for contract bargaining campaigns for their respective bargaining unit members; and
- (c) Elect their respective BUNC members and officers as the executive board for the SBAC.

7.0.02 Orientation of the SBAC

At the first SBAC following DLC elections, an orientation will be conducted for all DBURs and Classification Bargaining Unit Representatives (CBURs). The orientation shall include but not be limited to:

- (a) The responsibilities and obligations of the DBUR or CBUR;
- (b) The fundamental importance of organizing campaigns in support of the negotiation process; and
- (c) The negotiating process and evaluation of contract language and bargaining proposals.

7.0.03 Composition

- (a) Each bargaining unit shall have an SBAC.
- (b) Each SBAC comprises one DBUR from each DLC which has local 1000 members in the bargaining unit, unless the SBAC has an approved alternate structure.
- (c) Terms of office and election schedules for members of SBACs are set forth in the Bylaws and in Division 12 below.

7.0.04 Alternative SBAC Structure

- (a) The Local 1000 Board of Directors may approve an alternative structure when one of the following conditions exists:

- (1) When there is a lack of even representation on an SBAC due to size or where there are constraints because of unequal distribution of bargaining unit members, and it is proposed by an SBAC or
- (2) When there is a Statewide DLC consisting of newly represented bargaining units not covered by the Dills Act.
- (b) The proposal shall specify how the alternative SBAC structure will improve representation and communication with bargaining unit members, and it shall specify how the alternative structure will provide balance and fairness of participation among departmental structure.
- (c) Any such proposal is subject to the following standards:
 - (1) The total number of DBUR positions for the SBAC shall not exceed the number of DLCs in Local 1000;
 - (2) Only one DBUR from each Bargaining Unit may sit as a member of the DLC Executive Board; and
 - (3) Any proposal approved by the Local 1000 Board of Directors shall be revised if DLC realignment is implemented.

7.0.05 Temporary Vacancy or Absence

In the event of a temporary absence of a member of an SBAC, the DLC President may designate from the affected bargaining unit an alternate. The DLC President shall advise the BUNC Chair and the Local 1000 President of the substitutions in writing prior to the meeting. The alternate shall have the right to attend executive sessions at the meeting and engage in debate as a member of the committee but shall not have the right to make motions or vote.

7.0.06 Attendance at SBAC meetings

Members of an SBAC are expected to attend all scheduled meetings of the SBAC. It is the member's responsibility to notify the chair of the BUNC and the DLC President when the member will not be in attendance. Failure to notify the chair may result in an unexcused absence.

The chair of the BUNC shall notify, in writing, the DLC President and the Vice President for Bargaining when an SBAC member has two or more unexcused absences or three or more excused absences in one year. The Vice President for Bargaining, provided the

BUNC chair concurs, shall declare the position vacant and provide for filling the vacancy for the remainder of the term as follows:

- (a) The Vice President for Bargaining shall immediately mail a notice to all eligible members of the DLC informing them of the vacancy and inviting them to apply for the position within 30 days after mailing. The DBUR member whose position had been declared vacant shall be ineligible for appointment.
- (b) Immediately upon close of the application period, the Vice President for Bargaining shall provide the DLC President with the list of the applicants.
- (c) The President shall convene a properly noticed special meeting of the Executive Board within 15 days during which a replacement will be appointed from among those eligible DLC members who applied for the vacancy. If the DLC is already scheduled to have a general membership meeting within this period, the Executive Board may choose to fill the vacancy by election during that meeting instead of filling the position by appointment. All applicants shall be noticed by mail of the meeting at which the vacancy is to be filled.

7.0.07 SBAC and BUNC Rules

Each SBAC shall develop rules of operation for the BUNC, provided such rules are not in conflict with the Local 1000 Bylaws or Policy File. Such rules shall be reviewed at least annually by the Local 1000 Board of Directors.

7.1.00 BARGAINING UNIT NEGOTIATING COMMITTEES

7.1.01 Responsibility of the BUNCs

The BUNCs are responsible for negotiating contracts for wages, hours, benefits and other terms and conditions of employment for their respective units. BUNCs represent their bargaining unit's common interests at the master table and negotiate their unit specific issues at the unit table. BUNCs shall:

- (a) Conduct contract negotiations and participate in contract campaigns;
- (b) Meet and confer as required and inform the Vice President for Bargaining of the outcome of any such negotiations;
- (c) Conduct surveys for determining bargaining issues;
- (d) Supply information to the SBACs for contract ratification/strike vote meetings;

- (e) Submit organizing and recruitment ideas and plans to the Local 1000 Board of Directors for approval before implementation; and
- (f) Chairs of the BUNC shall call meetings of the SBAC as deemed necessary by the BUNC or SBAC after approval by the Local 1000 President.

7.1.02 Structure of the BUNCS

Each bargaining unit represented by Local 1000 shall have a BUNC.

- (a) A BUNC comprises at least five members and up to three alternates for the first 10,000 workers in the unit. Thereafter, one additional BUNC member and alternate shall be added for every 10,000 workers or fraction thereof in the unit.
- (b) To be eligible to be a BUNC member, the member must be a member of the SBAC.
- (c) Members of the BUNC remain members of the SBAC during their tenure of office on the BUNC.
- (d) The officers of the BUNC are Chair, Vice Chair and Alternate Vice Chair.
- (e) Vacancies:

Vacancies in a BUNC (including vacancies in the position of BUNC Chair, Vice Chair, or Alternate Vice Chair) that occur through circumstances other than recall (12.3.00) shall be filled by a new election as provided by 12.2.00. Until a new election can be completed, the BUNC or SBAC may temporarily fill the vacancy as follows:

- (1) If the position of BUNC Chair becomes vacant the position shall be filled by the Vice Chair until a new election can be completed.
- (2) If position of Vice Chair becomes vacant, the position shall be filled by the Alternate Vice Chair until a new election can be completed.
- (3) If any other position on a BUNC becomes vacant, the Chair shall immediately appoint a replacement according to the rules of the SBAC. Such appointments shall be effective immediately. This replacement shall serve only until a new election can be completed.
- (4) New elections for vacant BUNC or alternate positions shall take place at the next properly noticed SBAC meeting.

The Local 1000 President and the Vice President for Bargaining shall be notified, in writing, of all changes in the members of the BUNC.

7.1.03 BUNC Chair Responsibilities

- (a) The Chair, with concurrence of the majority of the BUNC, shall have the authority to sign tentative agreements for their respective BUNCs.
- (b) The Chair of each BUNC shall represent their respective unit on the Local 1000 Board of Directors.
- (c) The Chair of each BUNC shall appoint all members to the meet and confer negotiations (provided that the meet and confer only impacts their unit) between contract negotiations with the State of California or other affected employer subject to disaffirmation of the BUNC. Where meet and confers impact more than one unit, the Chairs of the impacted units recommend to the Local 1000 President, those members they wish to have participate in the negotiations.

DIVISION 8: CONCERTED ACTIONS & RATIFICATION PROCEDURES

8.0.00 CONCERTED ACTIONS WITHIN LOCAL 1000

Concerted actions by members may be required in order to obtain improvements in salaries, benefits and working conditions. Concerted actions generally consist of tactics such as work slowdowns, work stoppages, sickouts, strikes, or similar tactics. Actions which do not directly interfere with the work or statutory functions of the State/Employer, such as informational picketing or demonstrations, leafleting, unity breaks, and similar activities are not considered to be concerted actions for purposes of this policy.

8.0.01 Local 1000 Initiated Actions

Local 1000 may initiate concerted actions against the State of California/Employer whenever it deems necessary to support Local 1000 programs. Prior to implementation of any concerted action, the Local 1000 Board of Directors shall meet in executive session and determine the appropriate action.

8.0.02 Sanction Petitioning by Groups of Members

Any clearly identifiable group of members can petition for sanction of a job action. Examples include:

- (a) Members of Local 1000;
- (b) Members of a bargaining unit;
- (c) Members of a subgroup of a bargaining unit; or
- (d) Members of specific work locations.

8.0.03 Ratification of Sanction

The action sanctioned by the Local 1000 Board of Directors shall be subject to ratification by the affected group of members. Ratification requires a majority vote of those members voting.

8.0.04 Sanction Directives

In sanctioning actions, Local 1000 Board of Directors shall observe all directives arising from such sanctions and guarantee representation to all members with respect to their full

legal rights in any disciplinary or legal actions arising from the observance or execution of the sanctions.

8.0.05 Termination of Sanction

A sanction may be terminated at any time by either the Local 1000 Board of Directors or the Local 1000 President in consultation with the statewide officers and BUNC chairs who shall report the reasons for the action at the next Local 1000 Board of Directors Meeting.

8.1.00 RATIFICATION OF THE CONTRACT

The ratification of a contract shall be in accordance with the following procedures:

(a) Balloting:

- (1) The ratification of the contract shall be by simple majority (50 percent plus one) of the total votes cast.
- (2) Voting shall be at ratification meetings or by mailed ballot.

(b) Ballot Materials:

(1) Synopsis of Unit Contracts:

The Vice President for Bargaining and BUNC Chairs are responsible for preparation of a synopsis of the master and unit contracts. The synopsis of the new contract shall be submitted to the membership for a ratification or rejection. The synopsis shall include information on where complete contracts are available for inspection.

(2) Ballots:

- (i) The ballot shall be coded for each unit and shall contain a pre-addressed and postage paid envelope.
- (ii) Members shall be required to sign and print their name on the envelope.

(c) Meetings:

- (1) Ratification meetings shall be scheduled and employees in the bargaining unit shall be notified of the time and place of such meetings.
- (2) The Vice President for Bargaining, with the assistance of each BUNC Chair shall establish procedures to be followed for ratification meetings.

- (3) A schedule will be sent to inform the membership when and where any ratification meeting will be held.

DIVISION 9: DISCIPLINE

9.0.00 DISCIPLINE

9.0.01 Criteria and Procedures for Disciplinary Action

Disciplinary action may be taken for the following reasons:

- (a) Filing disciplinary charges or using the disciplinary procedures against another member or members for the purpose of harassment of the member or members so charged;
- (b) Gross neglect of duty by a member holding an elected or appointed office or any other position in Local 1000;
- (c) Intentional breach of confidence in matters appropriately designated confidential;
- (d) Improper distribution or other misuse of material designed for use by or within Local 1000;
- (e) Violation of Local 1000 Bylaws or Policy File, or DLC, SBAC or BUNC Rules;
- (f) Taking an active part in promoting another organization which is undermining the objectives or the existence of Local 1000, which is seeking its decertification, or which directly competes with Local 1000 in the areas covered by the Ralph C. Dills Act (Govt. Code 3500 et seq.); or other collective bargaining laws under which Local 1000 has or is seeking represented members
- (g) Unexcused absences from CSEA Board of Directors meetings by the President or Vice President/Secretary-Treasurer; Local 1000 Board of Directors meetings by members of the Board; committee meetings by committee members; or failure to participate in activities as assigned;
- (h) Taking a public position, in the name of Local 1000, that is contrary to the adopted policy of Local 1000 or purporting to act on behalf of Local 1000, when not so authorized;
- (i) Misuse of Local 1000 or DLC funds, equipment or supplies;

- (j) Intentional disrupting the orderly conduct of an official meeting;
- (k) Behavior which is determined by the hearing panel or officer to be of such a nature that it causes discredit to Local 1000;
- (l) Seeking or holding elective or appointive office in Local 1000, while currently holding elective or appointive office in another organization representing employees which is in competition with Local 1000; or
- (m) Failing to carry out the duties of any office or position in Local 1000 with respect to representation of the members at the worksite.
- (n) Except as provided above, members retain the right of free speech and expression regarding Local 1000 matters, but may not claim or imply that they speak on behalf of Local 1000 or any of its constituent bodies unless authorized to do so.

9.0.02 Authority for Discipline

- (a) Local 1000 has exclusive responsibility over discipline of its members.
- (1) Local 1000 may take the following actions in response to a disciplinary charge:
 - (i) Rejection of charges;
 - (ii) Reprimand;
 - (iii) Suspension from elected office within Local 1000;
 - (iv) Removal from elected office within Local 1000; or
 - (v) Other action Local 1000 deems appropriate.

9.0.03 Suspension of Member

When, in the opinion of the President, the actions of the member are such as to impose an immediate threat to the welfare of Local 1000, the President may summarily suspend the member until the procedures established in the Policy File are concluded. If written charges are not filed within ten days, the suspension shall be terminated.

9.0.04 Suspension of President

If, in the opinion of the Vice President/Secretary-Treasurer, Vice President for Organizing/Representation, and Vice President for Bargaining, the action of the President is such as to pose an immediate threat to the welfare of Local 1000, the other Officers may summarily suspend the President until the procedures established in the Policy File are concluded. If written charges are not filed within ten days, the suspension is terminated.

9.0.05 Procedure for Institution of Discipline

The procedures shall be as follows:

- (a) Institution of the action shall occur when a member files specific charges in writing on a Form HR1, that may be obtained from any Local 1000 office, with the President, unless said charges are filed against the President, in which case charges shall be filed with the Vice President/Secretary-Treasurer. The member filing the charges must agree to be present when the action is heard, to substantiate the charges, and present the facts supporting them. Charges must be filed within one year of the alleged violation or the discovery thereof.
- (b) Upon receipt of the completed Form HR1, the President, or the Vice President/Secretary-Treasurer if the action is against the President, or their designees, shall review the charges, and if he or she finds the charges are frivolous, he or she will immediately notify the charging party and no further action shall be taken. If the charges appear to have merit the President, or the Vice President/Secretary-Treasurer, shall order a hearing to be held within 30 days before a hearing panel or hearing officer. The hearing officer or panel shall conduct a preliminary investigation. If the facts are not in dispute or the recommendation is to reject the charges, no hearing is necessary. The hearing officer shall not be a party to the dispute. No member of the hearing body may be from the same DLC as any of the charging or charged parties.
- (c) The hearing panel or hearing officer after its investigation or hearing shall determine the validity of the charges. The hearing, if held, shall be open unless a request for a closed hearing is made by the member so charged. The findings of the hearing panel or hearing officer shall be confidential pending final action by the Local 1000 Board of Directors.
- (d) The hearing panel or hearing officer shall have the authority to grant extensions and continuances for good cause, upon request upon on their own motion.

- (e) The individuals involved in the hearing shall be personally notified in writing at least 15 days prior to the hearing. Such notice shall include the date, time and place of the hearing, a list of charges to be heard and the names of the hearing panel members. New charges may not be introduced after the hearing notice is mailed.
- (f) The charging party and the charged party shall each have the right to one preemptory challenge. Any hearing panel member so challenged shall be replaced immediately by the President.

Challenges must be received in writing, addressed to the President, at 1808 14th Street, Sacramento, CA 95811, no later than five days before the hearing. A challenge shall stop all timelines for conducting the hearing.

- (g) The parties to the hearing shall have the right to be represented at their own cost, to introduce evidence supporting or refuting the charges and to cross examine witnesses. Strict rules of evidence are not applicable.
- (h) A failure to personally appear or respond in writing by the member charged, without good cause, may be deemed sufficient cause for finding that the charges are correct.
- (i) A failure to personally appear, without good cause, at the hearing by the charging party shall be deemed sufficient cause to dismiss the charges.
- (j) The hearing panel or hearing officer shall report to the President, or to the Vice President/Secretary-Treasurer if the charges are against the President, no later than ten days after completion of the hearing. The findings of the hearing panel or hearing officer shall be confidential. Such report shall include one or more of the following recommendation(s) and shall conform to the format contained in the Hearing Officer's Manual:
 - (1) Rejection of the charges;
 - (2) Reprimand;
 - (3) Suspension from office;
 - (4) Removal from office or any other position held in the union;
 - (5) Suspension from privileges of membership except those required by law; or
 - (6) Other action deemed appropriate to the circumstances.

- (k) The Local 1000 Board of Directors shall act on the report in executive session no later than its next regularly-scheduled meeting. Disciplinary action requires a two-thirds vote of the Board. The Board must make immediate disposition of the case as follows:
- (1) The Board shall first determine whether the charges are sustained;
 - (2) If sustained, the Board shall then determine the appropriate penalty; and
 - (3) All actions shall be by a two-thirds vote of the Board.
- (l) In deliberating its action, the Local 1000 Board of Directors shall restrict its discussion to the report of the hearing officer or panel chair, procedural matters, and the appropriate disciplinary action to be imposed, if any. The presiding officer shall rule out of order all discussion which attempts to introduce or argue the facts at issue, whether or not presented at the original hearing.
- (m) In any case where a procedural error is alleged to have occurred, it shall be determined whether any charged party has been unfairly prejudiced by the error. If it is determined that prejudicial error has occurred, the charges against that party shall be dismissed. Otherwise, the disciplinary action shall proceed. Procedural violations not raised by a party within a reasonable time shall be deemed waived.
- (n) Decisions of the Local 1000 Board of Directors shall be final.
- (o) Removal or suspension from office of a member of the Local 1000 Board of Directors (statewide officers, DLC Presidents, BUNC Chairs) must comply with the provisions of the California Corporations Code for removing a corporate director from office.

9.0.06 Reimbursement of Costs to Member

If the charges are not sustained, Local 1000 shall provide reimbursement for reasonable costs to the charged member.

9.1.00 INTERNAL GRIEVANCES

Local 1000 members who claim to be aggrieved by an action of the Local 1000 or of any Board, officer, committee, DLC, SBAC/BUNC, or any agency thereof, are encouraged to present their grievance, insofar as practical, first at the DLC, SBAC, or BUNC level, and

to exhaust this avenue of relief before appealing. Failure to grieve first at the DLC, SBAC, or BUNC level, if practical, shall be taken into consideration in determining action on the appeal.

9.1.01 Procedure for Institution of Internal Grievances

When an internal grievance is filed with Local 1000, the President shall institute the following procedures:

- (a) The grievant shall submit, in writing, a list of the acts or omissions that constitute the cause for the internal grievance. The grievant must agree to be present when the grievance is heard, to substantiate the internal grievance and to present evidence to support it.
- (b) The President, or the Vice President/Secretary-Treasurer if the grievance is against the President, upon receipt of such written grievance and agreement to be present, shall order a hearing to be held within 30 days before a hearing panel or hearing officer. A participant to the grievance shall not be a member of the hearing body nor from the DLC, SBAC, or BUNC of either party to the grievance.
- (c) The hearing panel or hearing officer shall determine the validity of the grievance. The hearing officer or panel shall conduct an investigation. If the facts are not in dispute or the recommendation is to reject the charges, no hearing is necessary. The hearing shall be open unless a request for a closed hearing is made by the member whose actions are alleged to be the cause of the grievance. The findings of the hearing panel or hearing officer shall be confidential.
- (d) The hearing panel or hearing officer shall have the authority to grant extensions and continuances for good cause upon request or on their own motion.
- (e) The members directly involved in hearing shall be personally notified in writing at least ten days prior to the hearing. Such notice shall include the date, time and place of the hearing and a list of the acts or omissions which are the subject of such grievance. New acts or omissions may not be introduced after the notice is mailed.
- (f) The parties to the hearing shall have the right to be represented at their own cost, to introduce evidence supporting or refuting the charges and to cross examine witnesses. Strict rules of evidence are not applicable.
- (g) A failure to personally appear in response to the notice of hearing by the member whose actions are alleged to be the cause of the grievance may be deemed sufficient

cause for the grievance to be granted. A failure to personally appear by the charging party may be deemed sufficient cause to dismiss the charge.

- (h) The hearing panel or hearing officer shall report to the President, or the Vice President/Secretary-Treasurer if the charges are against the President, no later than ten days after completion of the hearing. Such report shall include recommendations for resolution of the grievance.
- (i) The Local 1000 Board of Directors shall act on the report no later than its next regularly scheduled meeting. In cases of urgency, the President may act on the recommendations immediately, subject to appeal to the Local 1000 Board of Directors by any party to the grievance.
- (j) Decisions of the Local 1000 Board of Directors are final.
- (k) Upon request of any party to a grievance the Local 1000 Board of Directors shall determine whether to provide reimbursement or reasonable costs to any involved members.
- (l) If the findings of the hearing panel indicate that the grievance was frivolous, without merit and intended to harass the member charged, the panel may recommend that disciplinary action be taken against the charging party or parties.

9.2.00 HEARING OFFICERS PANEL

(a) Hearing Officers Panel

This panel shall consist of at least 14 active members, at least two from each area office, with terms which begin upon appointment and end simultaneously with those of DLC and statewide officers following each regularly scheduled election. In making appointments, the President shall endeavor to have representation from the DLCs and the BUNCs. The panel shall be responsible for conducting investigations, hearings and making recommendations to the Local 1000 Board of Directors on matters referred to it pursuant to this policy.

- (1) This panel functions under the guidance of a chair who has such administrative authority as is necessary, including the authority to assign internal grievances and disciplinary actions to members of the panel.

- (2) Panel members shall be trained upon appointment and approval prior to their first hearing. The training will be conducted by Local 1000 Legal staff pursuant to a program which includes, but is not limited to, the following:
 - (i) Procedures for conducting hearings;
 - (ii) Rules of evidence;
 - (iii) Evaluation of evidence;
 - (iv) Decision making;
 - (v) Report preparation; and
 - (vi) Presentation of findings and recommended decision to the Local 1000 Board of Directors.
- (3) Panel members shall be given a copy of the Local 1000 Hearing Officers Manual.

**DIVISION 10:
LOCAL 1000 FINANCES**

10.0.00 LOCAL 1000 BUDGET

10.0.01 Budget

The Local 1000 Board of Directors shall establish a multi-year budget to be reviewed at least annually and shall ensure expenditures are consistent with the budget. In years in which the CSEA General Council meets, the Vice President/Secretary-Treasurer shall provide a presentation on the budget to the Local 1000 delegates.

10.0.02 Membership Dues and Fees Structure

- (a) The dues and fees established by Local 1000 are not refundable.
- (b) At least annually, Local 1000 shall publish to all members the current Local 1000 dues and fee structure.

10.0.03 Dues Augmentation and Reduction

(a) Dues Plans

Prior to making a change to the dues rates, Local 1000 shall prepare a written dues plan, which must:

- (1) Describe the membership group(s) and the present dues structure of Local 1000;
- (2) Indicate whether the requested dues augmentation or reduction is temporary or permanent; and
- (3) Describe the reason(s) for the dues change and the programs or services to be funded by the dues augmentation or the programs or services that may be reduced or may no longer be provided in the case of a reduction.

(b) Review of Plans

Plans for a Local 1000 dues augmentation or reduction shall be submitted to the Local 1000 statewide officers for review and to the Local 1000 Board of Directors for approval, and then to the Local 1000 membership for a vote.

(c) Approval of Dues Plans

- (1) The dues plan must be discussed in one or more well-publicized open meetings of the Local 1000 Board of Directors and must be approved by a majority vote prior to submission to the membership.
- (2) To become effective, dues plans for Local 1000 must be approved by a majority of the members voting. Balloting may be in person and/or by mail ballot.

10.0.04 Emergency Temporary Assessment

(a) An emergency temporary assessment may be instituted through the following process:

- (1) The President determines that an emergency which threatens vital interests of the membership exists and notifies the Local 1000 Board of Directors;
- (2) The Local 1000 Board of Directors passes a motion stating the emergency and vital interests at stake, the purpose for which the assessment will be used and the proposed assessment amount and duration; and
- (3) The emergency temporary assessment is approved by a majority vote of the membership. Balloting may be in person and/or by mail ballot.

10.0.05 Seasonal Worker, Permanent Intermittent and State Disability Insurance Dues Reimbursement

- (a) Seasonal or permanent intermittent employees working less than 40 hours during a monthly pay period may petition Local 1000 for full reimbursement of that month's deduction by submitting a request within ten days of the pay warrant's issuance date. Copies of the pay stub must accompany the written request for reimbursement.
- (b) Employees on State Disability Insurance (SDI) will be eligible for a reimbursement of a month's dues or fees deduction based on the actual state pay received in a month. The reimbursement will be the difference between the dues or fees actually paid calculated at the applicable percentage of their normal gross monthly pay and the dues or fees calculated at the applicable percentage of gross pay they actually received during the month in which they spent all or portion of the time on SDI. Such employees may petition Local 1000 for such reimbursement by submitting a request within ten days of the pay warrant's issuance date. Copies of the pay stub must accompany the written request for reimbursement.

10.1.00 LOCAL REPRESENTATION

10.1.01 General

Local 1000 provides funds to DLCs for representation of its workers. Each DLC shall receive \$220.00 per month plus \$0.85 per member.

10.1.02 Use of Local Representational Funds

Local representation funds may be used by DLCs to implement the authorized local representation programs and policies of Local 1000. Since local representation funds are membership dues, some uses may be limited by law as well as by Local 1000 policy. The following non-inclusive list of DLC funds is provided as guidelines to DLC officers.

(a) Approved Uses. The following are approved uses of DLC local representation funds:

- (1) DLC and Local meeting costs where any meeting refreshments and other activities are only incidental to the meeting;
- (2) Representation by members of individual members in job-related matters;
- (3) Steward and other representative meetings for the purpose of discussing and preparing for representation of individuals in job related matters;
- (4) Reimbursement of expenses incurred as a result of authorized Local 1000 activity;
- (5) Printing, mailing costs, newsletters, web posting costs and other communications with members advocating Local 1000's programs and providing information on authorized local representational matters;
- (6) Equipment purchases for use by the DLC in local representation activities;
- (7) Miscellaneous administrative matters (e.g., bank charges, audit services, copier usage, etc.);
- (8) Union leave for authorized local representation activities, subject to prior approval of the Local 1000 President; and
- (9) Upon approval of the Local 1000 President, and contingent on available funds, each DLC is authorized two days of union leave per month (up to a maximum of 20 hours for those who work ten-hour days), funded by Local 1000, to be used carrying out Local 1000's programs.

(b) Approved uses within limits. The following items are still permissible as DLC expenditures. DLCs must make expenditures for these activities only on an extremely limited basis (not to exceed an aggregate of ten percent of DLC revenues):

(1) Social events; other than social and recreational activities for all bargaining unit members and non-members, designed to promote unity and cohesiveness in the bargaining unit in regards to wages, hours, and working conditions;

(2) Support of charitable activities;

(3) Support of Local 1000's position on legislation affecting wages, hours and working conditions of its represented employees; and

(4) Membership promotional activities.

(c) Prohibited Uses. The following are prohibited uses of DLC local representation funds:

(1) Contributions or services provided to support or oppose any candidate for public office;

(2) Contributions or services to any fund to support or oppose any candidate or initiative for public office;

(3) Paying for tickets to events that are primarily political in nature (e.g., the candidate we support will be at the event);

(4) Direct reimbursement to any member for loss of pay or vacation or other leave credits for Local 1000 activities;

(5) Contributions or other financial support of any kind to candidates for CSEA, Local 1000, or local DLC office;

(6) Expenditures of any kind (publications, mailing costs, expense reimbursements, contributions to other organization, support of litigation, payment to satisfy bills of private legal counsel, etc.) to advocate a position other than the position of Local 1000; and

(7) Expenditures for items for which Local 1000 has denied payment, unless such denial was solely because the expense should have been submitted to the DLC for payment.

10.1.03 Maximum DLC Accumulation

A DLC that has an accumulation of an amount which equals six months of the DLC's allocation of dues or \$6,000, whichever is greater, shall receive no further allocation of dues until this amount is reduced below the limit.

10.1.04 DLC Finance Reports

DLC Annual Budgets

A copy of the annual budget for each DLC will be provided to the Vice President/Secretary-Treasurer each year by February 1 of that year. If an adopted DLC annual budget is not submitted, the monthly allocation of dues will be forfeited until the adopted budget is submitted. A 30 day extension may be granted by contacting the Local 1000 Vice President/Secretary-Treasurer prior to the due date.

10.1.05 Forfeiture of DLC Dues and Fees Allocations

In the event a DLC fails to submit its annual budget by no later than January 31 of the current budget year or fails to meet the funding limit described above, its monthly allocation of dues will be forfeited until the DLC is within the limit or complies by submitting its annual budget. The forfeited money is allocated to the Grants Fund. A 30 day extension may be granted by contacting the Vice President/Secretary-Treasurer before the due date.

10.1.06 Local 1000 Grants Fund

No more than \$100,000.00 of forfeited funds shall be allocated to the Local 1000 Grants Fund in any calendar year. Forfeited funds in excess of this amount shall be transferred into the Local 1000 General Fund.

10.1.07 District Labor Council Requests for Grants

DLCs may seek grants from the Local 1000 Grants Fund for duties and responsibilities pertaining to DLC activities required by the Local 1000 Policy File.

DLCs seeking a grant from the Local 1000 Grants fund must:

- (a) Submit a request in a format specified by the Grants Committee;
- (b) Submit a total DLC budget for local representation and indicate the current revenue and the additional amount needed to fund the budget;
- (c) Provide a copy of the latest financial statement of the DLC, including DLC reserve balances, if any; and

- (d) Certify that the proposed DLC Budget was approved by the DLC membership in accordance with the DLC Bylaws.

10.2.00 DLC FINANCIAL AUDITS

10.2.01 Audit policy

The funds provided to DLCs are the dues of members that have been entrusted to the DLCs for their operations, and may only be used for authorized purposes. Local 1000 shall audit the financial operations of its DLCs on a regular, continuing basis for compliance with Local 1000 policy.

10.2.02 Additional Audits

Annually, a financial audit will be conducted of each DLC by an independent certified public accounting firm.

- (a) Notwithstanding the schedule for audits described above, the Vice President/Secretary-Treasurer may schedule a DLC for audit for the following reasons:
 - (1) He or she determines there is reasonable cause to investigate a specific written allegation of misuse of DLC funds, equipment or supplies, or a specific written allegation of inadequate implementation of procedures to safeguard the use of DLC funds, equipment or supplies;
 - (2) He or she has a reasonable suspicion that the submitted budget does not reflect the actual financial activity of the DLC;
 - (3) At the request of a member of the DLC;
 - (4) Routinely by geographic area or on a random basis;
 - (5) Based upon matters identified in past audit reports;
 - (6) Equipment purchases are not inventoried and records of physical possession are not kept current; or
 - (7) Expenditures are not being made in accordance with a duly adopted budget.

10.2.03 DLC Financial Records

- (a) All financial records of the DLCs shall be retained for a period of five years from the close of the fiscal year.
- (b) DLC records shall consist of:
 - (1) Bank statements and canceled checks for all accounts;
 - (2) All supporting documents (i.e., invoices, expenditure request forms, and receipts) for checks issued and deposits made for all accounts;
 - (3) All minutes of DLC meetings and executive committee meetings;
 - (4) DLC budgets;
 - (5) All copies of financial quarterly reports;
 - (6) All bank reconciliations;
 - (7) Form 990 or 990T Federal tax exemptions forms, if filed;
 - (8) A list of all equipment and other assets owned at the end of the audit period; and
 - (9) List of all outstanding unpaid bills at the end of the audit period.
- (c) Security and custody of the assets of a DLC shall be the responsibility of the DLC Treasurer, shall be placed in a secure environment and shall be made available for inspection by DLC officers within a respective DLC and by Local 1000 statewide officers within a reasonable period of time. Such period of time shall not be more than ten days from the date of the written notice of intent to inspect.
- (d) Monthly financial statements shall be made available at all times for inspection by the members of the DLC.
- (e) The audit reports, along with the auditor's working papers, and financial records shall be retained by Local 1000.

10.2.04 Notification of Audit

DLCs shall be notified of a routinely scheduled audit at least 30 days in advance. DLCs shall be notified of non-routine audits at least ten days in advance. If allegations are made as referenced in this policy above, a written explanation of allegations will be provided at the time of notification.

10.3.00 DISTRICT LABOR COUNCIL TRUSTEESHIP

10.3.01 Purpose

The purpose of this article is to set forth the terms for a trusteeship of a DLC, which may be imposed for the following purposes:

- (a) Correcting corruption;
- (b) Correcting financial malfeasance;
- (c) Restoring democratic procedures;

or

- (d) Ensuring accountability to Local 1000's policies and programs.

Whenever the Vice President/Secretary-Treasurer or the Vice President for Organizing/Representation has reason to determine the risk to Local 1000 is such that action is required, the trusteeship must be created in compliance with the procedures set forth in this article.

10.3.02 Imposition of Trusteeship

Upon the request of the Vice President/Secretary-Treasurer or the Vice President for Organizing/Representation and prior to the imposition of a trusteeship, the President shall issue a notice, which shall be mailed to all members of the DLC within seven calendar days, setting a time and place for a hearing for the purpose of determining whether a trusteeship should be imposed upon the DLC.

The President shall appoint a hearing panel of three Local 1000 members. The hearing shall be held in accordance with the relevant parts of Local 1000 Policy Section 9.1.01. The hearing panel shall report their recommendations to the Local 1000 statewide officers. The Local 1000 statewide officers must then act in accordance with the recommendation of the hearing panel.

10.3.03 Appointment of Trustee

The President shall appoint a trustee subject to confirmation of the Local 1000 statewide officers. The trustee must act in the best interests of the DLC in trusteeship.

10.3.04 Authority of the Trustee

The trustee shall be authorized and empowered to take full charge of the affairs of the DLC and its funds, to remove any or all officers and appoint temporary officers, to hold elections, if necessary, and to take such other action as he or she believes is necessary for the preservation of the DLC. The trustee shall also have the discretion to require the DLC to turn over to the trustee all books and property of the DLC. In addition, the trustee shall have the discretion to request the Vice President/Secretary-Treasurer to authorize disbursements to pay all outstanding claims, properly proven, if funds are sufficient. The Vice President/Secretary-Treasurer must comply with this request in a timely fashion.

10.3.05 Trusteeship Report to Local 1000 Board of Directors

- (a) The trusteeship must be affirmed by a majority vote at the first Local 1000 Board of Directors meeting following the hearing. The report of the hearing panel and the motion of the Local 1000 statewide officers shall be provided to the Local 1000 Board of Directors in Executive Session.
- (b) If the trusteeship is disaffirmed by the Local 1000 Board of Directors, self-governance of the DLC shall be restored. The trustee shall return all property to the DLC.
- (c) At each subsequent Local 1000 Board of Directors meeting, the trustee shall report to the Local 1000 Board of Directors on the status of the trusteeship and make a recommendation to continue or to terminate the trusteeship. The trusteeship can only be terminated by a majority vote of the Local 1000 Board of Directors.

10.3.06 Trusteeship Termination

When the trusteeship is terminated by the Local 1000 Board of Directors self-governance of the DLC shall be restored.

10.4.00 DLC FINANCE – LOCAL 1000 ACCOUNTING

Funds of DLCs will be administered as follows:

- (a) DLC and DLC Worksite Local funds shall be held and disbursed at the direction of the Vice President/Secretary-Treasurer;
- (b) Claims for reimbursement and other requests for disbursement shall be subject to the same standards and limits as applied by Local 1000's Controller to other Local 1000 expenditures.

- (c) Local 1000 shall maintain sufficient records and accounts to record all DLC revenues (including the monthly allocation of a portion of dues to each DLC) and expenditures, and shall provide each DLC a monthly statement of its transaction and DLC fund balance.
- (d) Local 1000 shall credit the DLC accounts quarterly with earned interest, if any, at the prevailing rate.
- (e) All checks processed for the DLCs shall bear the original signature of the Local 1000 Vice President/Secretary-Treasurer or his or her designees and the original signature of one of the other statewide Local 1000 statewide officers.

10.5.00 ETHICAL AND RESPONSIBLE FINANCIAL PRACTICES

10.5.01 Ethical Financial Practices Code

- (a) This Code of Ethical Financial Practices shall be applicable to Local 1000, its Board and committees, and all its elected and appointed officers. All officers, at every level, whether elected or appointed, have a trust and high fiduciary duty to honestly and faithfully serve the best interests of the membership. This can best be accomplished by adherence to these policies as well as applicable corporate law.
- (b) No officer of Local 1000 shall, to the best of his or her knowledge, have an ownership or other substantial financial interest which conflicts with his or her fiduciary duty. In particular, it shall not be permissible for any officer to:
 - (1) Have a substantial ownership or financial interest in any entity that engages in collective bargaining with Local 1000 unless that ownership or financial interest complies with applicable law and has been fully disclosed to Local 1000 and it has determined that it does not compromise the officer's ability to act in the best interest of the Local 1000 and its members;
 - (2) Have a substantial ownership or financial interest in any entity which does business or seeks to do business with Local 1000 unless that ownership or financial interest complies with applicable law and has been fully disclosed to Local 1000 and it has determined that it does not compromise the officer's ability to act in the best interest of the Local 1000 and its members;
 - (3) Be the sole or effective decision-maker concerning Local 1000's relations with an entity in which his or her parent, spouse, spousal equivalent or dependent child of that relationship, grandparent, grandchild, brother, sister, first or second cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, step-parent,

stepsibling, foster parent, foster child, or business partner has a substantial ownership or financial interest; or

- (4) Engage in any self-dealing transactions with Local 1000, such as buying property from, or selling property to Local 1000, without the informed approval of Local 1000 obtained after full disclosure, including an independent appraisal of the fair market value of the property to be bought or sold.
- (5) For purposes of these rules, a “substantial ownership or financial interest” is one which either contributes significantly to the individual’s financial well-being or which enables the individual to significantly affect or influence the course of the business entity’s decision making. A “substantial ownership or financial interest” does not include stock in a purchase plan, profit-sharing plan or an employee stock ownership plan.
- (c) No officer of Local 1000 shall accept any non-de minimis personal payment or gift from any employer that engages in collective bargaining with Local 1000 or from any business or professional entity that does business or seeks to do business with Local 1000, other than regular pay and benefits for work performed, except as may be otherwise permitted under the terms of applicable law.
- (d) No officer of Local 1000 shall convert or divert any funds or other property belonging to Local 1000 to such individual’s personal use or advantage.
- (e) As long as there is compliance with the terms of Subsection (b) above, this Code is not intended to preclude officers of Local 1000 from owning publicly traded shares of any employer that Local 1000 seeks to organize or that does business with or that engages in collective bargaining with Local 1000 through a mutual fund, national securities exchange or other similar investment vehicle, provided that all transactions affecting such interests are consistent with rates and terms established by the open market. Further this Code does not apply to investments held in a blind trust.
- (f) Any allegation that this Code has been violated should be brought to the attention of the Local 1000 President or other statewide officer who shall refer the matter to the Local 1000 Legal Department for appropriate further action or investigation.
- (g) Local 1000 delegates to its Chief of Staff the responsibility for implementing a similar code of conduct for its managerial employees.

10.5.02 Responsible Non-profit Corporate Financial Practices

- (a) In addition to the requirements set forth above, state corporate law places additional restrictions on disclosure and voting by members of the Local 1000

Board of Directors on matters in which a Director has an interest. For these purposes, an “interest” is generally considered to be a material financial interest.

- (1) Local 1000 Directors may be restricted from voting on items in which they have a non-de minimus financial interest.
- (2) Local 1000 is restricted from making loans to or guaranteeing the obligations of any Director. This does not restrict the issuance of advances on expenses reasonably expected to be incurred in the performance of duties.
- (3) When Directors are faced with any transaction involving these restrictions, it should be brought to the attention of the Local 1000 President or Vice President/Secretary/Treasurer, who shall refer the matter to the Local 1000 Legal Department for appropriate counsel on the requirements of disclosure to the Board and voting only by non-interested Directors, as well as other legal requirements.

**DIVISION 11:
DIVISION EXPENSES, MANAGEMENT
STAFF AND CONTRACTORS**

11.0.00 PERSONS ELIGIBLE FOR REIMBURSEMENT

11.0.01 Reimbursement for Local 1000 Business

The following persons may be reimbursed for expenses in connection with official business of Local 1000:

- (a) Members of the CSEA General Council;
- (b) Stewards;
- (c) Local 1000 President, Vice President/Secretary-Treasurer, Vice President for Organizing/Representation, and Vice President for Bargaining;
- (d) Members of the Local 1000 Board of Directors, statewide Local 1000 committees, ad hoc committees, and task forces/advisory groups; or
- (e) Other members of Local 1000 performing duties for Local 1000, when authorized by the Local 1000 President or designee.

11.1.00 PROCESSING OF EXPENSE CLAIMS

11.1.01 Necessary Expenses

The most economical use of funds, consistent with the convenience of the claimant and the schedule for the meeting, is the standard to be used in determining whether expenses claimed are “necessary.” In review, Local 1000 shall include mode of travel, needed lodging and meals in relation to necessary time of departure and return.

11.1.02 Expense Reimbursement Rate

- (a) Daily per diem with an overnight stay shall be reimbursed at the Internal Revenue Service (IRS) approved rate under the high-low substantiation method, as it may be amended from time to time, and no receipts shall be required.

- (b) Meal allowances without an overnight stay shall be reimbursed at actual cost up to the amounts in subsection (a). Receipts for these meals are required for reimbursement. Each receipt must show the name of the restaurant or place and the date and time the meal was taken. The travel expense claim is required to include a brief description or statement of the business purpose for these meals.

- (c) Breakfast shall not be claimed if departure is after or return is prior to 8:00 a.m.

Lunch shall not be claimed if departure is after or return is prior to 12:00 p.m. (i.e., noon). Dinner shall not be claimed if departure is after or return is prior to 7:00 p.m.

- (d) When meals are purchased for other persons authorized to claim meal expense, such persons must be listed on the expense claim.

11.1.03 Lodging

- (a) The regular allowance for lodging is up to \$160 plus tax per night or the negotiated rate. Lodging other than General Council lodging shall not be allowed if residence is within 40 miles or 40 minutes from the meeting location.

Only actual expense within the above limits is reimbursed and receipts are required.

- (b) Incidental expense for up to \$5 per day is allowed if lodging is involved. No receipts are required.

11.1.04 Travel Allowance

Travel allowances are computed as follows:

- (a) Common carrier: The lowest available fare expense is reimbursed, and receipts are required.
- (b) Airporter: Actual reasonable expenses are reimbursed, and receipts are required.
- (c) Personal car: Authorized use of personal car is reimbursed at the IRS approved rate, except that the reimbursement shall not exceed the common carrier rate unless the common carrier would be reasonably inconvenient. The beginning and ending destination, and the number of miles traveled must be indicated. If more than one person eligible for mileage rates rides in the car, reimbursement will be allowed for only claimant.

- (d) Parking: The actual authorized expense is reimbursed but amounts in excess of \$5.00 per day require receipts.
- (e) Bridge tolls: The actual expense is reimbursed, and no receipts are required.
- (f) Taxicab: Taxi fares will not be reimbursed except when no other transportation is practical or available, or unless the taxi fare for several riders is less than the common carrier fare.
- (g) Telephone, cell phone, and hotel business services: Actual expenses are reimbursable when date, place and party called are shown on the expense claim, but amounts in excess of \$1 require receipts. Fax and copier services for Local 1000 business may be reimbursable; receipts are required. Hotel internet charges are not reimbursable.

11.1.05 Travel Advance

- (a) A travel advance, in an amount not to exceed estimated expenses for one month, may be requested. Substantiation of expenses incurred must be submitted to the Local 1000's Accounting Department within 60 days. No subsequent advances will be issued until previous advances are cleared unless approved by the Vice President/Secretary-Treasurer.

11.1.06 Interpreters for the Deaf and Personal Care Service Providers

- (a) When deaf-members are expected to be present at any official function, the Local 1000 President may authorize reimbursement for all allowable expenses for interpreters for the deaf provided that the request for such services is made at least ten days in advance by the presiding officer of the sponsoring organization.
- (b) When disabled members are expected to be present at any official function, the Local 1000 President may authorize reimbursement for all allowable expenses for Personal Care Providers provided that the request for such services is made at least ten days in advance by the presiding officer of the sponsoring organization.

11.1.07 Exceptions

The Local 1000 President may make exceptions to the above rules in unusual circumstances.

11.1.08 Appeals

A claimant may appeal the deduction of any expense item from the expense claim, first to the Local 1000 statewide officers through the Vice President/Secretary-Treasurer; if satisfaction is not received at that level, the claimant may appeal to the Local 1000 Board of Directors.

11.2.00 UNION LEAVE

- (a) Union Leave is a member's reimbursed absence, at the rate negotiated with the State/Employer, from his or her workplace (with reimbursement through the State/Employer) for representation, organizing, governance, committee duties, bargaining, required attendance at meetings, etc. Members on union leave shall work at the direction of and report to the Local 1000 President or his or her designee.
- (b) Union leave may also be used for a member's reimbursed absence for the purpose of filling a temporary staff vacancy (normally less than six months) and performing the normal range of duties for that position. Members in such positions report to the appropriate Local 1000 staff.

11.2.01 Administration/Authorization

Union Leave shall be administered and authorized by the President or his or her designee.

11.2.02 Salary Reimbursement

BUNC or DLC elected or appointed representatives may be paid their net salary when engaged in authorized Board activities, subject to the availability of funding and with prior approval of the Local 1000 Secretary/Treasurer. Salary reimbursement shall only be authorized under the following circumstances:

- (a) Authorized state/employer paid release time is not otherwise available; and
- (b) The member is regularly scheduled to work that day and a work schedule adjustment cannot be made by the State/Employer, or the Local 1000 Secretary/Treasurer determines that other good cause exists.

11.3.00 LOST TIME

Lost time is a member's reimbursed absence from his or her workplace with reimbursement including state/employer paid portions of any insurance or other benefits, directly paid to the member.

- (a) "Lost time" may be used when union leave is not available for the purpose of governance, committee duties, bargaining, required attendance at meetings, representation, organizing, etc. Members in such positions shall work at the direction of and report to the President or his or her designee; or
- (b) "Lost time" is for the purpose of filling a staff vacancy and performing the duties within the normal range of that position when union leave is not available. Members in such positions shall report to the appropriate Local 1000 manager.

11.3.01 Salary Reimbursement

- (a) Expenditure of funds must have prior approval of the President.
- (b) Salary reimbursement for lost time while participating in negotiations shall be limited to the actual amount of time spent in negotiations with the State/Employer plus reasonable travel time. At no time will reimbursement exceed the normal work hours of a participant.

11.3.02 Procedures

Requests for lost time shall be in writing to the President or designee stating the type of leave, its purpose and duration, and availability of funding.

11.3.03 Administration and Authorization

All lost time shall be administered and authorized by the President or his or her designee. Only the Local 1000 President or Vice President/Secretary-Treasurer may sign authorizations for "lost time."

11.3.04 Limitation of Rights

- (a) A member serving in a lost time capacity, filling a staff vacancy or union leave capacity shall adhere to the following provisions and shall not be subject to any other limitations of membership rights:

- (1) During work time, including hours beyond an eight hour day or 40 hour work week, refrain from engaging in the internal politics of Local 1000; and
 - (2) If the lost-timer holds an elected position within Local 1000, he or she has the right to attend and participate in any official Local 1000 meeting in which he or she would otherwise normally attend and participate.
- (c) Members serving on union leave or lost time status not filling a staff vacancy may engage in Local 1000 politics only to an incidental degree during normal work hours. No additional membership restrictions shall apply.

11.3.05 Lost Timers Dues

Monthly dues for Local 1000 members on lost time status shall be the regular dues rate.

11.4.00 CONTRACTS AND SERVICES AGREEMENTS

The Local 1000 President, in consultation with the other officers, is authorized to negotiate and enter into contracts and service agreements relating to management staff, consultants and other contractors consistent with the following:

- (a) The Chief of Staff and other managers shall be employed under the terms of a contract; and
- (b) The Chief of Staff shall be subordinate and directly accountable to the President for carrying out the policies and programs of Local 1000.
- (c) Management Salaries:

The Officers shall periodically review manager salaries and benefits for recommendations to the Local 1000 Board of Directors.

11.4.01 Special Consultants

The President, in consultation with the other officers, is authorized to employ special consultants as may be required in the administration of Local 1000, subject to the financial ability of Local 1000.

11.4.02 Contracting for Services

The Local 1000 President in consultation with the other officers is authorized to enter into contracts for providing information and services to Local 1000.

DIVISION 12: ELECTION PROCEDURES

12.0.00 GENERAL PROVISIONS

12.0.01 Election Conduct

- (a) All elections, referenda, recalls, ratifications, or other matters to be decided by either a ballot vote of Local 1000 members or vote by the Local 1000 delegates to General Council, shall be conducted in accordance with procedures established by the Local 1000 Board of Directors and shall be administered by an appropriate Local 1000 election committee

12.0.02 Eligibility Requirements

- (a) Stewards may run for and hold only one office within Local 1000.
- (b) Any active member in good standing in the respective jurisdiction may run for CSEA General Council delegate.
- (c) All candidates for DLC office, District Bargaining Unit Representative, and Classification Bargaining Unit Representative must be certified stewards prior to the first day of the nomination period
- (d) All candidates for Local 1000 statewide officer must:
 - (1) Be a member in good standing for the two years immediately prior to the first day of the nomination period; and
 - (2) Be an active steward for the two years immediately prior to the first day of the nomination period.
- (e) Any certified steward may be appointed to a vacant office following the appropriate procedure.

12.0.03 Term of Office

- (a) The term of office for Local 1000 statewide officers, all DLC officers, officers of worksite locals, DBURs, and CBURs is three years beginning June 30 of the election year or until their successors take office.

- (b) The term of office for delegates to CSEA's General Council is defined in the CSEA Bylaws.

12.0.04 Oath of Office

The following oath of office will be used for all positions in Local 1000:

I, _____, pledge my word and honor, that I will faithfully discharge the duties of the office to which I have been elected, in accordance with the rules of Local 1000, and to the best of my ability, carry out the plans and programs of the union, help build unity, strength and participation among members in the union, in the workplace, in our communities and in the political arena and purchase union label goods and use union services whenever they can be obtained.

12.0.05 Computation of Timeliness

When the final date for any action falls on a Saturday, Sunday or holiday, such action may be taken on the next regular workday.

12.1.00 ELECTION CONDUCT

The following code of conduct shall govern elections for all Local 1000 offices.

- (a) Candidates and members offer constructive alternatives to established Local 1000 policies, procedures or programs which they wish to change.
- (b) Candidates and members shall be truthful about candidates or their policies and engage in factual presentations relevant to the election.
- (c) Candidates and members shall not encourage Local 1000 voters to base their judgments on considerations of race, color, sex, religion, occupation, national origin, sexual orientation, ancestry, disability or age.
- (d) Candidates and members should encourage consideration of experience, performance, ideals and program of the respective candidates for Local 1000 offices.
- (e) Candidates and members should conduct themselves in a manner which brings respect to Local 1000 and which attempts to avoid post-election divisions which would hamper Local 1000's effectiveness.
- (f) Candidates and members should discuss relevant Local 1000 issues.

- (g) Candidates and members shall not use Local 1000 funds or other union resources to support or oppose any candidate for any Local 1000 office.
- (h) Candidates and members are prohibited from requesting or accepting any contribution, service, endorsement or advocacy for or against any candidate for any Local 1000 office from any Local 1000 or CSEA staff, whether rank and file or management, or from any consultant or vendor to Local 1000 whether or not such activity or support occurs outside of compensated work time.

12.1.01 Violations

A candidate for that office may file a protest with the President or with the Vice President/Secretary-Treasurer, if the protest is against the President, concerning violations of this code of conduct. Such protest shall be immediately referred by the President or the Vice President/Secretary-Treasurer to the Local 1000 Election Protest Committee. The committee shall immediately review the protest, and upon a finding by the committee upholding the protest, the committee may take the following actions:

- (a) If the protest concerns the conduct of a candidate, the candidacy of the members may be terminated.
- (b) The committee may take other corrective action.
- (c) The decision of the Election Protest Committee shall be final.

12.1.02 Election of Local 1000 statewide officers, District Labor Council Officers, District Bargaining Unit Representatives, Classification Bargaining Unit Representatives, DLC Local Officers and General Council Delegates

Local 1000 statewide officers, DLC officers, DLC Local Worksite officers, DBURs, CBURs, and General Council delegates are elected every three years by the members within their jurisdiction. These elections are conducted on a uniform statewide basis. Nominations will be open for these offices no later than the first business day in January of an election year. All elections shall be by secret mail ballot.

12.1.03 Local 1000 Nomination Form

The Local 1000 Nomination Form must be personally signed by the candidate and received by the Local 1000 Election Committee no later than 5:00 p.m. of the second Monday in February of the election year.

12.1.04 Candidate Statement

- (a) Each candidate may submit a statement of no more than 100 words.
- (b) Statements must be received by the Local 1000 Election Committee by 5:00 p.m. of the second Monday in February of the election year. The statement shall accompany the ballots and shall be typed and printed exactly as submitted by the candidate. Words beyond the 100-word limit shall be deleted.

12.1.05 Election Procedures

- (a) Notification of the open nomination period for Local 1000 statewide officers, DLC offices, officers of DLC Locals, District Bargaining Unit Representatives, and Classification Bargaining Unit Representatives shall be posted on the website and published in the Union Update no later than the first business day in January of an election year.
- (b) Notification and nomination forms for General Council and SEIU International delegates will posted on the website and published in the Union Update.
- (c) Local 1000 nomination forms indicating self-nomination shall be accepted by the Local 1000 Election Committee until 5:00 p.m. on the second Monday in February.
- (d) To be valid, the Local 1000 statewide officers, DLC, local officers, DBUR, CBUR and General Council Delegate election ballots must be received by 5:00 p.m. on May 20.
- (e) Local 1000 shall secure the services of independent vendor(s) that provides election and balloting services. Those vendor(s) will be solely responsible for mailing, receiving, sorting, opening, counting, and securing all ballots (including duplicate ballots) related to the elections enumerated in sub-division (a) of this section. Those vendor(s) shall deliver a report of the canvass of the votes to the Chair of the Election Committee and shall simultaneously post a copy of said report for viewing by observers present at the counting of ballots.
- (f) Write-in candidates are not permitted. Unopposed candidates shall be declared elected after nominations have been closed and the ballot shall so state.
- (g) All candidates will be notified of the results by May 30.

- (h) Newly elected Local 1000 statewide officers, DLC and local officers, as well as, DBURs and CBURs shall be installed (i.e., take office) no later than June 30, unless there is an unresolved election protest.
- (i) General Council Delegates take office at General Council.
- (j) A plurality of votes cast shall determine the winner for each office. In case of a tie, the winner shall be determined by lot.

12.1.06 Statewide Elections Committee

- (a) No later than the first Monday of December prior to an election year, the Local 1000 President shall appoint an election committee of up to five members to conduct and coordinate Local 1000 elections. Members of the election committee shall not be eligible to run for any office, except Delegate to General Council and Delegate to the SEIU International Convention.
- (b) The election committee, with the assistance of such staff as necessary, is responsible for:
 - (1) Preparation of the nomination form and notification to all eligible members of the open nomination period, the election rules and timelines. Such notifications shall be posted on the Local 1000 website no later than the first business day in January.
 - (2) Verification of eligibility of candidates and voters;
 - (3) Providing a membership list consisting of name, work phone and home phone (except for California Department of Corrections and Rehabilitation, and the forensic units of Department of State Hospitals) of the electorate of the office for which he or she is a candidate. Candidates seeking such lists shall make a written request to the Committee. Candidates for Classification Bargaining Unit Representatives and Local 1000 statewide officer positions shall not receive such lists
 - (4) Ensuring secret ballot elections in accordance with this policy and the CSEA and Local 1000 Bylaws.
 - (5) Listing delegates to the SEIU International Convention and General Council in descending order of number of votes received. The persons receiving the most votes shall be designated as delegates. This shall be repeated with each successive candidate placed on the list up to the number of delegates authorized. Each successive remaining candidate shall be placed on the list as alternate delegates. When each DLC

receives notification of the number of eligible General Council delegates, the elected delegates shall be announced.

- (6) Publication of the results.
- (7) The safekeeping of all ballots and delivery to appropriate Local 1000 staff for retention following the election protest period.

12.1.07 Use of Membership Lists

Individual members who are nominees for an elected position in Local 1000 may request a mailing by submitting a written request to the Vice President/Secretary-Treasurer as follows:

- (a) The request must state (I) the office for which the member is a nominee and (II) the members who are to receive the mailing, which shall be limited to the membership group who is entitled to vote on the office in question.
- (b) This request shall use the form provided by Local 1000 for mailing requests, must include a copy of the material to be mailed and must be signed by the member(s) requesting the mailing.
- (c) The Vice President/Secretary-Treasurer will advise the member of the estimated cost of the mailing promptly, as provided below. The mailing shall be made within ten days after payment of the estimated costs of mailing, unless the Vice President/Secretary Treasurer advises the member within that time that the mailing will not be permitted. In making that determination, the Vice President/Secretary-Treasurer shall act in accordance with applicable law.
- (d) If a mailing request is denied, the member may appeal to the Local 1000 President in writing stating the nature of the appeal. All appeals shall be referred to the Election Committee for resolution under its procedures.
- (e) The election committee shall serve until the conclusion of the election.

12.1.08 Protest of Local 1000 statewide officers, DLC Officer, Local Officer, DBUR, CBUR or General Council Delegate Elections

- (a) An election protest committee of three non-candidates (except for General Council Delegate) shall investigate all timely protests.
- (b) Election protests must be in writing and received by the Local 1000 President by 5:00 p.m. on June 10.

- (c) Only a candidate for the office being protested may file a protest. Election protests shall contain all information pertinent to the charge including specific violation of policy, facts to substantiate any allegations, such as dates, times, places, names of those involved in the alleged violations and any relevant documentary evidence including written statements from witnesses. Decisions of the election protest committee shall be final and binding on the parties. Decisions shall be mailed to the parties of the protest by June 25.
- (d) The incumbent in the protested office shall remain in office until the protest is decided. If there is no incumbent, the office shall remain vacant.

12.2.00 STATEWIDE BARGAINING ADVISORY COMMITTEES AND BARGAINING UNIT NEGOTIATING COMMITTEES

- (a) Each SBAC shall elect five SBAC members to serve as the BUNC and may elect up to three alternates for the first 10,000 workers in the bargaining unit. Thereafter, one additional BUNC member and alternate shall be added for every 10,000 workers or fraction thereof in the unit.
- (b) The SBAC shall elect from the BUNC members, the Chair, Vice Chair and Alternate Vice Chair.
- (c) A majority of votes cast shall determine the winner for each office. If there is only one candidate nominated for office, he or she will be declared elected. A tie vote shall be determined by lot.
- (d) The President shall appoint an election committee of up to four non-candidate members each from different bargaining units for the purposes of conducting BUNC elections and elections for the Chair, Vice Chair and Alternate Vice Chair from the elected BUNC members.
- (e) The election committee shall be responsible for:
 - (1) Notification of eligible voters of the meeting for the nomination and election of BUNC members and officers;
 - (2) Verification of eligibility of candidates and voters;
 - (3) Preparation of ballots; and
 - (4) Counting of ballots.

- (f) The election committee shall serve until the conclusion of the election.

12.2.01 BUNC Election Protests

- (a) A candidate for office may file a protest with the Vice President for Bargaining or designee within one hour after the election.
- (b) The Vice President for Bargaining or designee(s) shall immediately appoint a hearing officer to hear the protest and to determine the validity of the protest. The decision of the hearing officer is final and binding on all parties.

12.3.00 RECALL OF ELECTED OFFICERS

Any person holding elective office within Local 1000 may be recalled from that office by using the following procedures:

- (a) Proponent(s) of the recall must submit a written notice of intent to recall with the President, unless the person being recalled is the President, in which case the notice shall be submitted to the Vice President/Secretary-Treasurer.
- (b) The notice shall include the name and title or position of the person sought to be recalled and a statement of reasons not to exceed 100 words. The President shall notify the officer who is the subject of the petition.
- (c) The President or Vice President/Secretary-Treasurer, as appropriate, shall acknowledge the proponent(s) notice in writing within ten calendar days and the date of such letter of acknowledgment shall begin a 30 calendar day signature gathering period.
- (d) Signatures must be gathered on a petition with the statement of reasons for recall and submitted to the President or Vice President/Secretary-Treasurer.
- (e) All recall petitions must be submitted to the President or Vice President/Secretary-Treasurer by no later than 5:00 p.m. on the 30th day from the date of the letter of acknowledgment.
- (f) In order to proceed with a recall election, the proponent(s) of the recall must submit the signatures of not less than 20 percent of the eligible voters for that office.

- (g) Both the person being recalled and the proponent(s) of recall have the right to be present at the counting and validating of the signatures, or they may send a representative at their own expense.
- (h) Within 48 hours of the validation of signatures, the President or Vice President/Secretary-Treasurer will send a written notice to the person being recalled and the proponent(s) of recall informing them of the results of the count.
- (i) An election caused by a recall petition shall take place within no more than 60 days of the announcement that sufficient signatures were submitted. Such election will follow the same procedures as Local 1000 policy provides for conducting an election to that office. An individual recalled from office is not eligible to run for, or hold, that office during the term from which the individual was recalled.
- (j) If the recall is successful, any vacancies created shall be filled by the following process: The Local 1000 President will mail to all eligible members, an election schedule that will include the nomination period, the election period and the protest period. This process shall be completed within 120 days after the vacancy created by the recall.
- (k) The deadlines denoted above are maximum deadlines. Any of the individual steps required for recall may be completed sooner than indicated if feasible to do so. No part of the recall process shall take place during any part of a regularly scheduled election process.

12.4.00 SEIU INTERNATIONAL CONVENTION DELEGATES

12.4.01 Election of Delegates to SEIU International Conventions

- (a)(1) The Local 1000 President shall appoint an election committee of up to five non-candidate members for the purpose of conducting secret ballot elections for delegates to the SEIU International Conventions. The term of office shall be as defined in the SEIU Constitution and Bylaws.
- (2) In any election year that coincides with elections for local and DLC offices, the Local 1000 Election Committee (12.1.06) shall also serve as the SEIU International Convention Election Committee. The Local 1000 Election Committee may adjust the procedures required by sections 12.4.01(b) as necessary to facilitate consolidation with the general election procedures.
- (b) The election committee shall be responsible for:

- (1) Notification to all Local 1000 members in good standing of the open nomination period, the election rules, timelines, and the counting of the ballots. Such notification posted on the website and published in the Union Update. The cost of the election shall be borne by Local 1000.
 - (2) Verification of eligibility of candidates and voters.
 - (3) Ensuring secret ballot elections.
 - (4) Counting of ballots and certifying the results. The ballot count shall be open to all members. The election committee shall verify the eligibility of each voter and then separate the ballot sleeve from the return envelope. The committee shall then remove the ballot from the ballot sleeve and after all ballots are removed, count the ballots.
 - (5) Listing delegates in descending order of number of votes received. The person receiving the most votes shall be designated as a delegate. This shall be repeated with each successive candidate placed on the list up to the number of delegates authorized. When Local 1000 receives notification of the number of eligible delegates, the elected delegates shall be announced. Each successive remaining candidate shall be placed on the list as alternate delegates.
 - (6) Publication of the results.
 - (7) Safekeeping of all ballots: All ballots shall be retained by the chair of the Election Committee until after the Convention.
- (c) The election committee shall serve until the conclusion of the election.
 - (d) Any active member in good standing is eligible to be a candidate.
 - (e) The electorate body shall consist of all Local 1000 active members in good standing.

DIVISION 13: REPRESENTATION

13.0.00 REPRESENTATION

Representation is the means by which Local 1000 makes its resources available in order to provide a fair and full review of any infringement of state/represented employees' rights.

13.0.01 Representation Rights and Limitations

(a) Local 1000 will provide representation, within the limitations set forth in this Policy File, to state/represented employees based upon their status as follows:

(1) Members within a bargaining unit for which Local 1000 is the exclusive agent, have the full right to good faith representation without charge in any employment-related matter.

(2) Members of affiliate organizations have such rights to representation as set forth in their affiliation agreement with Local 1000 as permitted by law.

(3) Nonmembers, only to the extent such representation is required by law.

(b) Local 1000 has the right to make fair and impartial decisions as to the merits of a particular request for representation including, but not limited to decisions:

(1) Whether to undertake representation;

(2) Whether to discontinue representation at any time;

(3) Whether to recommend that a matter be settled prior to exhaustion of the applicable administrative procedures;

(4) Whether to refuse to continue representation in the event that its recommendation of settlement is not satisfactory to the employee;

(5) Whether to seek judicial relief and redress for a particular matter in addition to or in lieu of representation through any or all of the available administrative procedures; and

(6) Whether to discontinue its representation in judicial proceedings at any point prior to their exhaustion.

(c) Representation will not be provided to members in matters resulting from events which occurred prior to the date of their application for membership, their employment in state

service or employment for which Local 1000 is the exclusive representative, unless required by law.

- (d) Representation in court is not automatically afforded. If representation is denied, such denial may be appealed to the Local 1000 President.
- (e) Representation is not provided in workers compensation matters.

13.0.02 Types of Representation

Representation consists of either services or indemnity, or both.

- (a) Services consist of advice, counsel and assistance rendered by competent and qualified persons, and may include investigation, negotiation and settlement as well as appearances before administrative, judicial or legislative tribunals.
- (b) Indemnity consists of money payment in reimbursement of either a portion or all of actual and necessary representation costs. Local 1000 will not indemnify anyone for costs or expenses incurred without prior authorization by Local 1000.

13.0.03 Representation Before Licensing or Examining Boards

Local 1000 does not normally provide representation before licensing or examining boards but may provide such representation if the following conditions are satisfied:

- (a) The individual seeking such representation faces revocation or suspension of his or her license and such license is a condition of employment;
- (b) The license or certificate is sought to be revoked or suspended because of conduct with occurred in connection with the individual's employment; and
- (c) The representation is specifically approved by Local 1000.

13.0.04 Requests for Formal Representation

- (a) Local 1000 may deny representation based on the grounds set forth in this policy.
- (b) Local 1000 shall maintain a record of all requests for representation. Such records shall be adequate and sufficiently complete so as to advise the appropriate appeals body of the name of the person making the request, the nature of the request, the date upon which the request was received and the disposition of the request. Such records shall at all times be open for inspection by the appropriate appeals body.

13.0.05 Denial of Representation

It is Local 1000's general policy to deny representation on the following grounds:

(a) Unapproved Actions:

Local 1000 normally shall not provide representation with respect to disciplinary action arising from unapproved job actions;

(b) Best Interests of the Union:

Local 1000 shall not provide representation that would conflict with the best interests of Local 1000 or require Local 1000 or its staff to take a position in any manner inconsistent with the bylaws or policies of Local 1000;

(c) Lack of Merit:

Local 1000 may deny representation in matters that appear to lack factual or legal merit; or

(d) Other Representation:

Local 1000 may deny representation when it determines that an individual has another representative in the same matter.

13.1.00 APPEALS

13.1.01 Representation Appeal

(a) Any member may appeal a decision to deny a request for representation in adverse actions and all other appropriate matters.

(b) An appeal must be filed within ten days of proof of service of the denial.

(c) The appeal must be in writing. The appeal shall be addressed to the Local 1000 President, Attention: Legal Services, 1808 14th Street, Sacramento, CA 95811.

(d) The appeal will be heard by the Statewide Chief Stewards Committee, which shall meet to consider such appeals and make a final decision.

13.1.02 Decision to Arbitrate and Arbitration Appeals

(a) Decisions to advance grievances to the Local 1000 Legal Department to be considered for arbitration shall be made by the Union Resource Center (URC) Area Coordinator, URC representative and two appropriate stewards.

- (b) The Statewide Arbitration Coordinator shall make recommendations to the Vice President for Organizing/Representation and the Vice President for Bargaining on whether to arbitrate, combine cases, etc., or to deny arbitration.
- (c) The Vice President for Organizing/Representation and the Vice President for Bargaining, after consultation with the BUNC Chairs, shall make the decision to arbitrate, combine cases, etc., or to deny arbitration.
- (d) The decision to deny arbitration must be mailed to the members(s) within ten days of the decision.
- (e) An appeal of a decision to deny arbitration must be filed in writing to the Local 1000 President within ten days of proof of service of the denial. The appeal shall be addressed to the Local 1000 President, Attention: Legal Services, 1808 14th Street, Sacramento, CA 95811.
- (f) Appeals of denial of arbitration shall be heard by the Statewide Chief Stewards Committee which shall meet to consider such appeals and make a final decision.
- (g) The Committee shall maintain accurate records of matters brought before it and submit periodic reports to the Local 1000 Board of Directors.

13.1.03 Request for Indemnification

- (a) Any member may request indemnification after a decision to deny representation in adverse actions or other appropriate matters.
- (b) A request for indemnification must be made within ten days of proof of service of the denial of representation.
- (c) The request must be in writing addressed to the Local 1000 President, ATTENTION: SEIU Local 1000 Legal Services, 1808 14th Street, Sacramento, CA 95811.
- (d) The request shall be considered by the Local 1000 Board of Directors at its next regularly scheduled meeting.

13.2.00 ATTORNEY-CLIENT RELATIONSHIP

Local 1000 does not practice law nor solicit matters requiring legal services. It does employ staff attorneys whose services are made available in accordance with the representation policy. Local 1000 may authorize representation, but having given such authorization will not thereafter interfere in the attorney-client relationship so established unless authorized by the client.

DIVISION 14: LOCAL 1000 COMMUNICATIONS

14.0.00 AGENDAS

Copies of agendas for all statewide Local 1000 meetings shall be sent by email and/or first class mail or its equivalent to all members of the Local 1000 Board of Directors, at least seven calendar days prior to the date of each meeting. Backup material to agenda items will be available to any member of Local 1000 prior to a statewide meeting provided a request is made in writing, at least 15, but not more than 30 calendar days prior to such meeting.

14.1.00 MINUTES

The text of motions considered at Local 1000 Board of Directors meetings shall be sent to members of the Local 1000 Board of Directors within 14 calendar days following the meeting. Minutes of Local 1000 meetings, except for the Local 1000 Agenda Committee, shall be published and distributed within a reasonable time.

14.2.00 LOCAL 1000 POLICY FILE UPDATES

(a) Annual:

An annual updated Local 1000 Policy File, reflecting all changes adopted by Local 1000 Board of Directors, shall be posted to the Local 1000 website subsequent to the first Board meeting of each new calendar year.

(b) Updates:

Within 30 calendar days following each Local 1000 Board of Directors meeting, inserts reflecting changes adopted at that meeting will be posted to the Local 1000 website.

(c) Additional copies:

Any member of Local 1000 may request a copy of the Local 1000 Policy File from any area office or download it from the Local 1000 website.

14.3.00 MISCELLANEOUS COMMUNICATIONS

14.3.01 Informing the President

A courtesy copy of all documents and fliers sent to the membership shall be sent to the President at the same time.

14.3.02 Union Colors and Logo

- (a) The official colors of the union are purple and gold. The official logo of the union shall be the following:
- (b) This logo shall be used in all union publications including, but not limited to letterheads, banners and the website(s). When using union funds, a DLC, SBAC, or BUNC, whenever possible, shall purchase apparel, equipment, and accessories bearing the SEIU colors and logo.
- (c) Any exceptions to this basic logo must be approved by the Local 1000 President or his or her designee.

DIVISION 15 NEW BARGAINING UNITS

For newly represented bargaining units, the following provisions apply to the formation of the bargaining unit within Local 1000:

15.0.00 Formation of DLC and BUNC

The Board of Directors may approve new bargaining units when Local 1000 is seeking exclusive representation status of an appropriate group of employees under any collective bargaining law. The Board may authorize a statewide DLC structure, if appropriate, and/or an alternative SBAC structure to ensure an adequate number of DBURs to form the BUNC. This approval may be prior to certification of exclusive representation status to allow sufficient time for implementation of DLC governance, steward training, and bargaining preparation, along with other matters that may arise.

15.0.01 DLC Administrator

The President may appoint an initial DLC Administrator who shall ensure that a sufficient number of stewards are trained to fill officer and bargaining positions. The Administrator may appoint stewards-in-training to temporarily fill offices until he/she conducts an election to fill DLC/BUNC positions. These temporary appointments expire when the election process is completed.

15.0.02 Steward Training

Local 1000 will offer steward training to members of the proposed bargaining unit(s) to ensure that a sufficient number of trained stewards may fill elected positions in the DLC and BUNC.

15.0.03 Membership Effective Date

Membership is effective upon certification of the new unit(s) from PERB (or other agency with authority to certify a bargaining representative).

15.0.04 Initial Election and Term of Office

The DLC Administrator will ensure that a sufficient number of stewards complete training so that initial elections can be conducted within a reasonable time. Those elected will take office immediately and serve the remainder of the term of office with the Local. Thereafter, future elections will be conducted in accordance with the Policy File Division 12.

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DECLARATION BY MARY DELA CRUZ

I, Mary De La Cruz, hereby declare and verify as follows:

I am a resident of CALIFORNIA, I am over 18 years old, and am competent to testify as to the facts contained in this Declaration, of which I have first-hand, personal knowledge.

I am a Registered Nurse of 38 years I am currently a Health Facility Evaluator Nurse (Registered Nurse) Specialty Trainer for the State of California office stationed at 285 W. Bullard Ave, Suite 101, Fresno, CA 93704, Currently teleworking from Home.

I am a SEIU Local 1000-member, a District Labor Council President DLC772, and part of Bargaining Unit 17 which represents (Registered Nurses)

As a District Labor Council President, I am a member of SEIU Local 1000 Board of Directors.

I have read the allegations brought forth by Michael Guss, District Labor Council 794 and Vice President for Organizing and representation Anica Walls, Service Employees International Union (SEIU), Local 1000, SEIU.

I find these Complaint, allegations against Richard Louis Brown to be false, fictitious and without merit.

As a member of the Board of Directors I do not support ANY vote to remove SEIU Statewide President, Richard Louis Brown's powers.

As the President of DLC 772 which covers the central valley I have authority vested in me from the state employees and SEIU Local membership, and all represented within my DLC to voice and represent their voices and votes.

Many members of my District have reached out to me and expressed their wishes to declare a "NO" vote regarding the removal of their duly elected Statewide President, Richard Louis Brown of his presidential powers.

As DLC 772 President (and a member) I only recognize the duly member-elected President Richard Louis Brown, as the legal president of SEIU Local 1000.

I, as DLC 772 President, I have reached out to SEIU legal counsel, Anne Giese, multiple times to receive clarification as to the legality of the unsanctioned meetings from the three Vice Presidents and Bill Hall dated March 25, 2022.

This declaration attests to the leadership failure of Vice Presidents Anica Walls, David Jimenez, and Irene Green. The three Vice Presidents (VPs) ignored the legitimate suspension against them and are in violation of the disciplinary procedures established by SEIU Local 1000.

Due to their failure in leadership, I, and the many SEIU members I represent believe the best course of action is to affirm the legal suspension of the three VPs and restore all the powers of President Richard Louis Brown who was elected and voted in by the membership.

I and the members I represent, DO NOT support ANY vote to remove SEIU Statewide President, Richard Louis Brown's presidential powers.

An HR1 was never presented at any board meeting I attended; and to date I am not aware of any Board of Directors meeting in which an investigation determination was announced.

To my knowledge, President Richard Louis Brown was never notified by the board or the legally appointed hearing officers of his right to representation to introduce evidence and to cross-examine witnesses to prove or refute any charges.

I have seen the documentation which suspended the duties of the three SEIU Local 1000 Statewide Vice Presidents on Friday, March 25, 2022, while being investigated for actions that would cause great harm to the Union such as attempting to overturn the legal vote of the members and illegally install a new "Chair" position.

I, and many members I represent, have indicated to me as their representative DO NOT support the creation of a chairperson position. Members were never giving the opportunity to vote on this new created position.

As a Board of Director for SEIU and DLC 772 President, I am aware of planning and plotting to remove Richard Louis Brown as the newly elected SEIU President as far back prior to his swearing in.

I was witness to multiple teleconferences that took place with up to 20-25 individuals many of the current Executive Board of Directors, as well as the current Vice President Anica Walls, David Jimenez, and others strategizing how they would utilize the HR1 process for removing Richard Louis Brown from his power, and or position.

On many "SEIU Listens to you" weekly zoom meetings with President Richard Brown, I witnessed Michael Guss making very provoking, derogatory, bullying, offensive, statements publicly on the zoom calls to the point that other members on the zoom meeting would asked for Michael Guss to be removed.

Other current Board of Directors posting on social media, text, emails, very derogatory, statements, racial pictures, comments such as President Richard Louis Brown "Go Suck a Dick", "Eat a Dick", being made by current Board of Director members who continue

to be part of SEIU Board of Directors, and those behaviors never being addressed, pointed out, or called into question regarding ethical or behavioral concern, or requesting removal of these Board of Directors.

Michael Guss, along with many of the current Board of Director never blinked an eye, had any comments or concerns regarding Board members with aggressive behavior accusing President Richard Louis Brown of these false allegations.

If Richard Louis Brown as a black male, would have made the same derogatory, abusive statements to the white women who made those comments and still remain part of the Board of Directors, and part of the group trying to remove President Richard Louis Brown, President Brown would have been accused and considered for criminal charges.

After reviewing Appendix" A" and "B"

1. Allegations of failure to engage the board of directors since August 2021 and indicating that the budget for 2022 this is a false statement. Board of Directors meeting had been scheduled however the failure of the budget not being passed was due to the Board of Directors boycotting the Board meeting and not having a quorum to prevent President Richard Louis Brown from being able to move forward with agenda items and a vote.

I as part of the Board of Directors can bare witness that President Richard Louis Brown did hold Board of Directors meeting to pass the budget.

A group of Board of Directors who did not want to approve or pass the budget had plotted and planned to leave the Board meeting when it was time to vote, causing a lack of quorum and an inability to continue with approval of the budget.

I was contacted via cell phone by Cindy Doyle instructing me to leave the zoom Board of Directors meeting to prevent the quorum needed to continue with the budget meeting.

Due to many on the current Board of Directors who planed and plotted the obstruction of Executive Board meetings President Richard scheduled, he continued to schedule emergency Board Meetings trying to move forward SEIU operational duties, and tried to get the Budget passed.

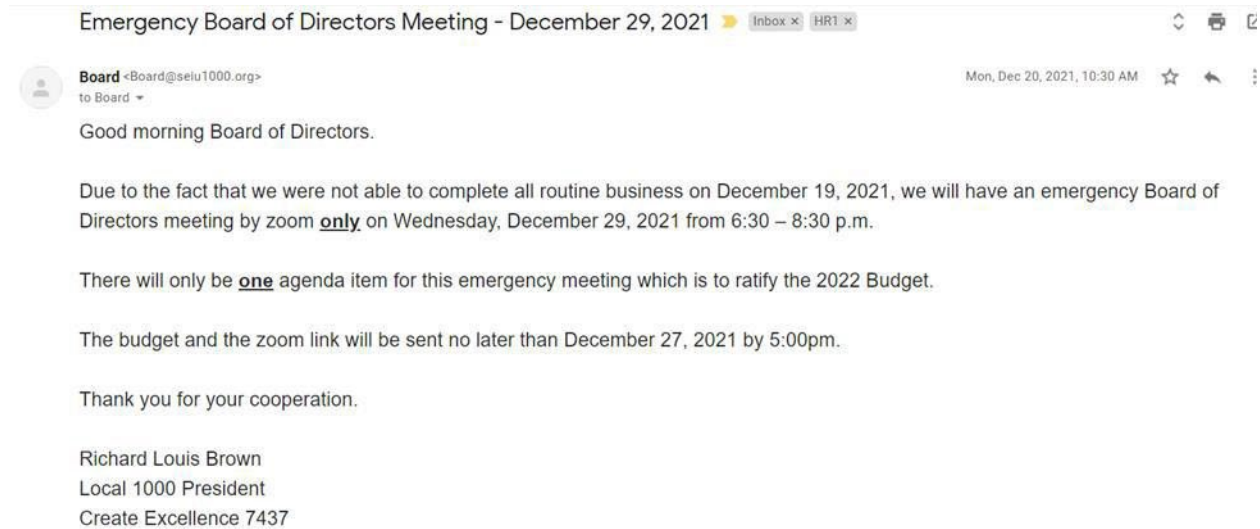
Policy File Section(s) violated Section 9.0.01 SEIU policy File.

Richard Louis Brown failed to hold meetings of the Board of Directors as required by Bylaws and Policy File. Richard Louis Brown held a Board of Directors meeting on December 19, 2021. (See screen shot below)

EXHIBIT B-page 4

PERB Received
12/01/22 12:58 PM

Below is a screen shot of an email sent out to Board of Directors by President Richard Louis Brown providing evidence of meetings, and emergency Board meetings that had been scheduled.



In summary, this group of Board of Directors and members who would continue to benefit financially have been plotting and planning to remove the member elected , member vote of President Richard Louis Brown as president before and after he had an opportunity to be in his office.

SEIU's purpose statement indicates we are a "Strong Member Lead Union" however this Board of Directors has removed that voice and vote of the membership and moved forward with their own agenda.

Many members have requested a Financial Forensic Audit, to be investigated, to provide fiduciary accountability of potential misappropriations of membership funds up to 53 million dollars that filter through SEIU annually. Which has yet to be done.

Based on disclosed information provide to the Board of Directors and members of SEIU via credit card statements indicate misappropriation of membership funds.

An Official Forensic Financial Audit has been requested by myself as a Board of Director member who legally have a Fiduciary Duty and responsibility, however nothing has yet to be initiated by the Vice President of Treasure David Jimenez.

Please feel free to contact me for any additional information or clarification.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXHIBIT B-page 5

BERB Received
12/01/22 12:58 PM

X Mary DeLaCruz
Mary DeLaCruz

Mary Dela Cruz, DLC 772 President
(559) 903-6696
mdlc056@gmail.com

EXHIBIT B1-Local 1000 VP Anica Walls-Statement

RECEIVED
12/01/22 12:58 PM

7/22/2028

Richard -

I am not planning on

running you out of office.

I am planning on

working with you as that

is what the membership voted
for. Hope this is good
enough!

In a world full of hate and anger,
the one thing I think we all need is
love and a good hug."

— David Hogg

Exhibit C-PERB Decisions

Exhibit C

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



JIM HARD, CATHY HACKETT, RON
LANDINGHAM, MARC BAUTISTA,
ADRIENNE SUFFIN & WALTER RICE,

Charging Parties,

v.

CALIFORNIA STATE EMPLOYEES
ASSOCIATION,

Respondent.

Case No. SA-CO-225-S

PERB Decision No. 1479-S

May 2, 2002

Appearance: Catherine Kennedy, Attorney, for California State Employees Association.

Before Baker, Whitehead and Neima, Members.

PROCEDURAL HISTORY

WHITEHEAD, Member: This case comes before the Public Employment Relations Board (PERB or Board) on appeal by the California State Employees Association (CSEA) from the proposed decision of a PERB administrative law judge (ALJ).

On February 3, 2000,¹ Jim Hard (Hard), Cathy Hackett (Hackett), Ron Landingham (Landingham), Marc Bautista (Bautista), Adrienne Suffin (Suffin) and Walter Rice (Rice) filed an unfair practice charge against CSEA, alleging violations of the Ralph C. Dills Act (Dills

¹Unless otherwise noted, all dates refer to the year 2000.

Act) sections 3515 and 3519.5(b).² They also requested that the Board seek injunctive relief against CSEA's suspension of their membership in CSEA, which would deny them their right to run for elected union office. On February 11, PERB denied the request for injunctive relief, without prejudice, over the dissent of Board Member Amador.

The six named parties filed an amended charge on February 15. On February 28, PERB's Office of the General Counsel issued a complaint alleging violations of Dills Act sections 3515.5³ and 3519.5(b). The complaint specifically alleged that, during the period from January 28 to February 8, CSEA established unreasonable membership provisions and retaliated against the charging parties. An informal settlement conference was held on March 7, but the case was not resolved. CSEA filed an answer to the PERB complaint on March 20. On April 21, CSEA filed a motion to dismiss the complaint. In this motion CSEA

²The Dills Act is codified at Government Code section 3512 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

Section 3515 states, in relevant part:

Except as otherwise provided by the Legislature, state employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.

Section 3519.5(b) states:

It shall be unlawful for an employee organization to:

(b) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

³Section 3515.5 states, in relevant part:

Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership.

argued that PERB had no jurisdiction over this charge, in that it was a purely internal union matter which did not impact the employer-employee relationship. On April 24, the charging parties filed a motion to withdraw the portions of the complaint pertaining to five of the charging parties: Hard, Hackett, Bautista, Suffin and Rice. The claims involving Landingham were not withdrawn.

A formal hearing was held before a PERB ALJ on May 1-4 and June 6. At the start of the hearing, the partial motion to withdraw of the five of six charging parties was granted and CSEA's motion to dismiss was taken under submission. The case itself was submitted for decision on August 14.

In the proposed decision, the ALJ found that CSEA did not violate Dills Act section 3515.5 by summarily suspending the CSEA membership of the six charging parties, but that CSEA had violated the Dills Act by retaliating against CSEA member Landingham for engaging in protected activity, in violation of section 3519.5(b).

After reviewing the entire record, including the unfair practice charge, the proposed decision, the briefs of the parties, and CSEA's exceptions, the Board reverses the proposed decision, in accordance with the following discussion.

FACTUAL BACKGROUND

Landingham is a member and officer of CSEA.⁴ He is also a leader of CDU. This case is the latest chapter in the long history of conflict between CSEA and CDU spanning the last

⁴Landingham is the only remaining Charging Party following the withdrawal of the other five CDU members from the case. The other five named individuals are also members and officers of CSEA, as well as leaders of the Caucus for a Democratic Union (CDU).

decade. Many of these cases have come before the Board.⁵

On January 28, an Executive Session of the CSEA Board of Directors passed a motion, recommended in an agenda item, which declared CDU to be a competing organization within CSEA, and that CDU was in violation of CSEA's policies.⁶ The motion also gave CSEA President, Perry Kenny (Kenny), authority to suspend the membership of any CSEA/CDU member who had engaged in acts deemed incompatible with CSEA,⁷ and to remove any director from the board who had engaged in any "fraudulent or dishonest acts or gross abuse of authority or discretion" with reference to the corporation.

The proponent of the January 28 agenda item was CSEA Secretary-Treasurer, Barbara Glass (Glass). Attached to the agenda item as "background information" were "summaries of

⁵See California State Employees Association (Hackett, et al.) (1993) PERB Decision No. 979-S (Hackett); California State Employees Association (Hackett) (1993) PERB Decision No. 1012-S; California State Employees Association (Hackett, et al.) (1995) PERB Decision No. 1126-S; California State Employees Association (Hard, et al.) (1999) PERB Decision No. 1368-S (Hard); California State Employees Association (Hutchinson) (1999) PERB Decision No. 1369-S; State Employee Caucus for a Democratic Union (2000) PERB Decision No. 1399-S (CDU); California State Employees Association (Gonzales-Coke) (2000) PERB Decision No. 1411-S (Gonzales-Coke).

⁶Although CSEA has tried unsuccessfully for years to persuade the Board that CDU is a competing employee organization, this is apparently the first time that CSEA has formally declared CDU to be a competing organization.

⁷These acts were listed as those which:

- (1) violate any of CSEA's bylaws or policies;
- (2) usurp any CSEA resources for use by CDU or any members thereof to promote CDU;
- (3) attempt or result in the representation of CSEA members in matters of wages, hours, or working conditions before the State Personnel Board, the Board of Trustees, the Board of Regents, or any policy-making body with the intent to supplant the Association in its role as the exclusive representative for state employees; and/or
- (4) has engaged in any other incompatible act as proscribed by Association bylaws or policy.

the activities of CDU," including a list of CDU-related PERB and court cases. The 32-item list covered the period from June 30, 1992 through November 18, 1999, and included 27 PERB charges filed against CSEA, which had led to the issuance of at least 11 PERB complaints against CSEA, and 5 court cases filed against CSEA.

On January 30, Kenny sent Landingham a letter which stated in part that his actions "pose an immediate threat to the Association." These actions included Landingham's "improper use of CSEA's electronic information systems on behalf of and for the benefit of CDU and in violation of CSEA's policy," and his various activities on behalf of CDU that had been deemed detrimental to CSEA. The letter informed Landingham that his CSEA membership was suspended effective February 15, and would remain in effect until the CSEA disciplinary procedure had been concluded. Upon the suspension of his membership, Landingham would not be eligible to run for CSEA office, to be a steward, nor would he be eligible for union leave. Kenny sent similar letters to Hard, Hackett, Bautista, Suffin and Rice, the other named CDU members in this action. The February 15 date for the summary suspensions coincided with the day nominations would open for CSEA offices.

On February 1, Kenny sent Landingham a second letter, stating in part that Landingham would remain a CSEA director and officer during his suspension "until appropriate legal action concludes otherwise." Kenny sent similar letters to the other five named CDU members.

On February 4, Landingham and the five other CDU members, filed a formal complaint with the Service Employees International Union (SEIU), with which CSEA is affiliated. SEIU appointed a hearing officer, who conducted a hearing on February 12, and issued a report on February 14. With regard to the summary suspensions of Jim Hard, Cathy Hackett, Ron Landingham, Marc Bautista, Adrienne Suffin and Walter Rice, the hearing officer stated in part

that "I am unable to find any place in the CSEA Bylaws where the CSEA President is given the authority to summarily suspend a person from membership." The hearing officer found that the SEIU complaint was "legitimate" and appropriate for investigation, and that "summary suspensions of members prior to a hearing does not comport with democratic internal procedures and is not consistent with CSEA Bylaws." CSEA took the position that SEIU had no jurisdiction to conduct any hearing or investigation. However, on March 1, CSEA rescinded the summary suspensions of all six charging parties.

On February 8, Glass filed charges against Landingham, alleging that he had utilized the CSEA e-mail system "to further the efforts of CDU while on union paid release time." Attached to the charges were approximately 37 e-mail messages which concerned CDU business, apparently sent or forwarded by Landingham between August 5, 1999 and February 2.⁸ The 37 e-mail messages had also been attached to the January 28 agenda item. They had been printed-out by CSEA Controller Patrick Haagensen (Haagensen), who gave them to CSEA's General Manager, Frank Guilelmino.

Charges were also filed against Hard, Hackett, Bautista, Suffin, and Rice, alleging violations of the CSEA Policy File. Glass filed three of these charges, in addition to the charge she filed against Landingham. All of the charges went before hearing panels, which ultimately recommended that the CSEA Board discipline Landingham, but rejected the claims against the other five individuals. Landingham's panel found that he had produced a significant number of e-mails while on union paid release time that directly related to the promotion and activity of CDU. The CSEA panel found that Landingham's personal use of the e-mail system extended

⁸Landingham testified that he sent "probably about 16,200" or more e-mails during this period, the vast majority of which concerned CSEA business. The e-mails involving CDU represented about .01 percent of the total e-mails sent.

beyond minimal and incidental, and was a direct misuse of CSEA's equipment as prohibited in the CSEA Policy File. It further found that the Board of Directors had passed a motion declaring CDU a competing organization with CSEA and in violation of CSEA policies, and that Landingham's promotion of CDU via CSEA computer system directly usurped CSEA resources in order to promote a competing organization.

On March 23, the CSEA Board of Directors considered the report of the hearing officer panel assigned to investigate the charges filed against Landingham. On March 28, Kenny sent Landingham a letter stating that the CSEA board had accepted the panel's findings that Landingham should be disciplined for violation of the CSEA Policy File. It further informed him that the CSEA board adopted a motion imposing as disciplinary action the suspension of Landingham's membership for the period from February 15 through March 1. This was the period of time that Landingham had previously been suspended pending a hearing on the charges. The CSEA board took no disciplinary action against the other charging parties.

The nominating period for CSEA office that had opened on February 15 closed on March 27. All charging parties were nominated for CSEA offices, and their names were placed on the ballots.

The PERB complaint alleged that CSEA had "established unreasonable restrictions regarding who may join and unreasonable provisions for the dismissal of individuals from membership" in violation of Dills Act section 3515.5. The complaint additionally alleged that CSEA retaliated against Landingham, through the actions of Kenny and Glass, because of Landingham's protected activities. These activities were described as being a member of CSEA as well as a member and supporter of CDU, an organization of CSEA members whose supporters had, inter alia, filed unfair practice charges against CSEA. It went on to catalogue

Landingham's activities as the Civil Service Division's Alternate Deputy Director for Bargaining, his efforts "to strengthen CSEA in relation to [the] employer," and his campaigning for CSEA office on a platform of "building a strong, rank-and-file union that could significantly improve the wages, benefits and working conditions of rank-and-file state workers." It additionally listed his work with CSEA's State Bargaining Advisory Committee, and his advocating that CSEA units bargain at a master table rather than separately.

At the PERB hearing Landingham testified that he had been "involved" in the filing of unfair practice charges against CSEA, but he did not specifically remember which ones. He also testified that he had been a Unit 1 bargaining representative, and had run for alternate deputy director on a platform of building a strong rank-and-file union. Landingham had done "[a] lot of picketing" during bargaining, had been actively involved in bargaining himself, had influenced CSEA's bargaining positions, and had specifically advocated that CSEA units bargain at a master table rather than separately.

Haagensen testified at the formal hearing that he had reviewed the e-mail messages of Landingham and the other five charging parties, looking for references to CDU. Haagensen testified that, in his judgment, Landingham's use of the e-mail system violated a CSEA policy allowing only minimal and incidental personal use and forbidding any use for internal CSEA politics. Haagensen testified that this decision was made by applying his own standard, and that there was no written standard, in that "[m]inimal and incidental defies such definition."

The CSEA e-mail policy described by Haagensen was not put into evidence during the PERB hearing. Haagensen acknowledged that it was not in the CSEA Bylaws or Policy File, and that he had no personal knowledge of whether Landingham had ever even received the policy. Landingham had never been warned that he was using the e-mail system improperly.

Although CSEA owned and maintained the e-mail system, it did not incur any additional costs for individual e-mail messages.

PROPOSED DECISION

In addressing the question of whether CSEA had established unreasonable membership provisions, the ALJ noted that in California School Employees Association and its Shasta College Chapter #381 (Parisot) (1983) PERB Decision No. 280 (Parisot), the Board determined that it had "some jurisdiction over the membership rules and procedures of employee organizations."

Although the ALJ indicated that he was disposed towards finding CSEA's summary suspension procedures unreasonable under Dills Act section 3515.5, he found that he was barred from doing so by the Board's decision in Hackett.

In Hackett, which was decided in 1993, some of the named individuals in the instant proceeding alleged that they had been summarily suspended from membership, in violation of the Dills Act. There the Board reviewed the alleged facts and the underlying Policy File language, which was the same language in question in the instant case, and concluded that there was no showing that CSEA's membership procedures violated Dills Act section 3515.5. Finding that the decision in Hackett was precedential, and that he was bound to follow it, the ALJ in the instant case dismissed the allegations that CSEA's summary suspension procedures were unreasonable, in violation of Dills Act section 3515.5. The ALJ never addressed the merits of CSEA's motion to dismiss, which had been taken under submission at the start of the formal hearing.⁹

⁹As to the finding by CSEA that CDU was a competing organization, the ALJ held that this appeared to be an internal union matter outside of PERB's jurisdiction. The ALJ went on to note that, although CSEA has never persuaded the Board that CDU is in fact a competing

The ALJ analyzed the alleged discrimination and retaliation by CSEA against Landingham under the tests set forth in Novato Unified School District (1982) PERB Decision No. 210, Carlsbad Unified School District (1979) PERB Decision No. 89 (Carlsbad), and Hard.¹⁰

In reviewing the question of whether Landingham was engaged in protected activity the ALJ noted that under Hard, the union activities set forth in the complaint were protected only if they had some impact on employer-employee relations. He thereafter concluded that Landingham's claims of holding union office, or running for office on a platform of building a strong rank-and-file union, would have too remote an impact on employer-employee relations to be protected activity for the purposes of the Dills Act.

The ALJ did find that Landingham's other proven or admitted union activities had an impact on employer-employee relations, because they were directly related to the bargaining process that is at the heart of employer-employee relations under the Dills Act. Landingham had been actively involved in the bargaining process himself, had influenced bargaining positions, had advocated a master bargaining table, and had participated in picketing that appeared to be in direct support of bargaining. The ALJ concluded that these bargaining-related union activities were protected for purposes of the Dills Act. However, the ALJ did not

employee organization (see CDU, Gonzales-Coke), that did not mean PERB had jurisdiction to prohibit CSEA from taking that position for internal union purposes.

¹⁰Under this analysis, in order to prevail on a claim of discrimination or retaliation, the charging party must establish: (1) that they engaged in protected activity; (2) that the activities were known to the employee organization; and (3) that the employee organization took the retaliatory action because of such activity. This is basically the same analysis PERB uses in cases of alleged discrimination or retaliation by an employer in violation of Dills Act section 3519(a), which contains the same language as Dills Act section 3519.5(b).

find that the adverse actions against Landingham were motivated by his bargaining-related union activities, noting that the record as a whole did not support this inference.

The complaint also alleged that Landingham had engaged in protected activity by being "a member and supporter of CDU, an organization . . . whose supporters have . . . filed unfair practice charges against CSEA." Filing an unfair practice charge with PERB is a protected activity. (California State Employees Association (Garcia) (1993) PERB Decision No. 1014-S (Garcia).) The question here was whether that activity could be attributed to Landingham. Landingham testified that he had been "involved" in filing unfair practice charges, but he could not remember which ones, and he apparently was not an actual charging party in any proceeding other than the present case.¹¹

The ALJ, citing to Cupertino Union Elementary School District (1986) PERB Decision No. 572 (Cupertino), found that the Board has held the protected activities of some employees could be attributed to other employees in the same group, if adverse action against the group was unlawfully motivated by those protected activities. Here the evidence of Landingham's actual participation in the filing of unfair practice charges was weak. However, the ALJ concluded that this protected activity could be attributed to him, if the adverse action against Landingham and his group, CDU, was unlawfully motivated by the protected activity.¹²

¹¹A search of PERB case law reveals no proceeding against CSEA in which Landingham was a charging party.

¹²In its answer to the complaint, CSEA denied that the actions taken by Glass and Kenny against Landingham and the others were "adverse actions." The ALJ rejected these denials. Kenny's January 30 letter summarily suspended Landingham's membership effective February 15, 2000, making him ineligible to run for office, serve as a steward, or take union leave. Glass' February 8 charges requested Landingham's "[i]mmediate and permanent removal from membership." Given the CSEA Board's pre-authorization of such actions in its January 28 motion, the ALJ found these actions would reasonably be perceived as potentially adverse to Landingham's ability to participate in CSEA, by any objective standard.

Turning to the question of whether the adverse actions were unlawfully motivated by the protected activity of filing unfair practice charges, the ALJ concluded that they were unlawfully motivated. The January 28 agenda item for the motion authorizing the actions against Landingham and others had as an attachment, a list of 32 "CDU-related PERB and court cases" of which 27 were unfair practice charges filed against CSEA. The ALJ found that the January 28 motion had referred to CDU's "long history of attacking" CSEA, and that this reference included the unfair practice charges filed against CSEA by CDU members.

CSEA argued that the actions against Landingham were dictated by his "misuse" of CSEA's e-mail system. The ALJ found that CSEA had not met its burden of proof on this issue. The evidence showed that the CSEA controller reviewed the e-mail messages sent by Landingham and other CDU leaders specifically looking for references to CDU. CSEA made no apparent attempt to look more widely for possible "abuse." The e-mail policy the controller claimed to apply was not put into evidence, was not in the CSEA Bylaws or Policy File, and may not have even been received by Landingham. The ALJ found that the "misuse" of the CSEA e-mail system was not proven to be a valid reason for the adverse actions against Landingham, independent of his CDU-connection with the filing of unfair practice charges. The ALJ concluded that the adverse actions against Landingham by Kenny and Glass were taken in retaliation for protected activity, in violation of Dills Act section 3519.5(b).

EXCEPTIONS TO THE PROPOSED DECISION

CSEA excepted to the ALJ's findings that Landingham participated in a protected activity merely by his association with CDU, and that Landingham was retaliated against based on his membership in CDU. CSEA additionally excepted to the ALJ's use of Cupertino to support the holding that Landingham had engaged in protected activities, and that the ALJ

erred in finding that no adverse action would have occurred to Landingham but for CSEA's retaliation for his participation in protected activity.

DISCUSSION

I. Interference With Membership in CSEA

Regarding the issue of whether CSEA had established unreasonable membership provisions, no exceptions were filed to the ALJ's dismissal of this claim. PERB Regulation 32300(c)¹³ states that "An exception not specifically urged shall be waived."

However, the Board may review issues that have not been raised in a party's exceptions, sua sponte, in order to avoid a "serious mistake of law." (Mount Diablo Unified School District (1984) PERB Decision No. 373b.) A serious mistake of law has occurred here with regard to the application of the Board's decision in Hackett, an error which justifies Board review.

A. PERB's Jurisdiction Over Membership Provisions

As was previously noted, the ALJ never addressed the merits of CSEA's motion to dismiss.¹⁴ In this motion CSEA argued that the Board had no jurisdiction to hear this charge, in that the dispute between the members of CDU and CSEA was a purely internal union matter that did not substantially impact the employer-employee relationship. CSEA cited to Service Employees International Union, Local 99 (Kimmett) (1979) PERB Decision No. 106 (Kimmett) and Hard, in support of this claim.

¹³PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq. and may be found on the Internet at www.perb.ca.gov.

¹⁴It appears that the ALJ did not rule on the motion because he resolved the membership question based upon his reading of Hackett, and because he found that CSEA had unlawfully retaliated against Landingham under Garcia and Cupertino.

In its post-hearing brief, CSEA renewed its Kimmett argument. Additionally, citing Novato Unified School District (1982) PERB Decision No. 210 (Novato), CSEA maintained that because suspension can be a reasonable form of discipline available to employee organizations, "Landingham must specifically prove in this case that the suspension imposed by CSEA was in retaliation for his exercise of rights under the Dills Act." (Emphasis added.)

Kimmett and its progeny are based upon PERB's finding that employees do not have protected rights in the organization of the exclusive representative. Under Kimmett, PERB will not interfere in purely internal union matters that do not impact the employer-employee relationship. (Kimmett, p. 16; Hard, p. 28.¹⁵) However, even in those cases where the Board has found it does not have authority to intercede in internal union matters which do not impact the employer-employee relationship, it has been careful to note that there are other union matters over which the Legislature has given it the power to act. One such area is that of "reasonable restrictions regarding who may join" unions and "reasonable provisions for the dismissal of individuals from membership." None of the cases cited by CSEA stands for the proposition that the Board lacks jurisdiction in these matters. Rather, the Board has consistently recognized that the Legislature conferred this area upon PERB as a separate and distinct grant of jurisdiction, and for this reason, denies CSEA's motion to dismiss. (See Dills

¹⁵The author of the Hard decision subsequently made it clear that the "internal union matter" standard should not be misinterpreted. In his dissent from the denial of the request for injunctive relief in the present case, Board Member Amador stated in part:

I continue to believe that the activities described in CSEA (Hard) including participation in CDU rallies, distributing CDU literature or buttons, or wearing a CDU button or t-shirt were unprotected because they lacked the required impact on employer-employee relations. However, I did not intend for the case to be used as a license to abrogate rights protected by the Dills Act.

Act section 3515.5; Parisot; United Teachers Los Angeles (Malin) (1991) PERB Decision No. 870; California State Employees Association (Roberts) (1993) PERB Decision No. 1005-S; California State Employees Association (Hutchinson) (1998) PERB Decision No. 1304-S, p. 6; Hard, p. 27, fn. 8.)

In Parisot, the Board distinguished its unwillingness under Kimmett to interfere in internal union affairs unless there is a substantial impact on employer-employee relations with its authority under the Educational Employment Relations Act (EERA)¹⁶ over the membership rules and procedures of employee organizations, noting:

In Kimmett, we did not intend to abdicate our jurisdictional power to determine whether an employee organization has exceeded its authority under subsection 3543.1(a)¹⁷ to dismiss or otherwise discipline its members.

Parisot specifically recognized PERB's authority to review the reasonableness of procedures for the suspension of individuals from membership. In California Correctional Peace Officers Association (Colman) (1989) PERB Decision No. 755-S (Colman), PERB exercised that authority over member-suspension procedures.¹⁸

In Colman the Board adopted the proposed decision of the ALJ which found that a union's suspension of a former officer from membership violated the Dills Act. The exclusive representative, citing to Kimmett and Parisot, argued that the Board's inquiry was limited only to those cases which had a substantial impact on the employer-employee relationship.

¹⁶EERA is codified at Government Code section 3540 et seq.

¹⁷EERA section 3543.1(a) contains language identical to the language of Dills Act section 3515.5.

¹⁸Although Dills Act section 3515.5 specifically refers to the "dismissal" of individuals from membership, PERB has jurisdiction over suspensions as well. (Parisot, p. 9.)

(Colman, proposed dec., p. 18.) The exclusive representative further argued that an employee challenging union discipline "must demonstrate either that the discipline was motivated by conduct designed to thwart the right to select a bargaining representative or that the discipline was in retaliation for protected activities." (Id. at p. 19.) Both of these arguments have been revived by CSEA in the instant proceeding.

In rejecting these claims in Colman, the Board found:

A showing of unlawful motivation is appropriate for discrimination or retaliation cases. . . But the facts alleged by Mr. Colman do not raise an issue of discrimination. Rather they set out an issue of interference. Proof of unlawful motivation is unnecessary to demonstrate interference with protected activities.^[19]

Nor is the Association convincing in its contention that PERB review of union discipline is precluded except where the discipline has a substantial impact on the employee's relationship with the employer. The PERB review of union disciplinary procedures is rooted in Section 3515.5 of the Dills Act. . . . A fair reading of Parisot and Stewart^[20] makes it evident that the PERB does not believe itself restricted in the review of union discipline to only those situations which substantially impact the employer-employee relationship. The Kimmett limitation on review, which the Respondent cites, is rooted in the duty of fair representation questions presented there. Neither Parisot nor the present case involves the duty of fair representation. (Id. at pp. 19-20; citations omitted.)

¹⁹See Carlsbad. Under Carlsbad, in order to prevail on an interference claim, the conduct alleged to constitute an unfair practice must tend to or actually result in some harm to employee rights granted under the EERA. Once such right has been established, the respondent must show that there was a compelling reason for its actions. Novato modified Carlsbad by adding unlawful motive as the specific nexus required in establishing a prima facie case of discrimination or retaliation.

²⁰Union of American Physicians and Dentists (Stewart) (1985) PERB Decision No. 539-S.

CSEA's argument that Kimmnett and Novato bar relief on the membership question is not well taken. The relevant portion of the instant charge was not based on the retaliation or discrimination provisions of Dills Act section 3519.5. It was based on the interference provisions of Section 3519.5, and the reasonable restriction provisions of Section 3515.5. Parisot and Colman, not Kimmnett and Novato, control its disposition.

B. California State Employees Association (Hackett)

The ALJ recognized that in Parisot the Board found it had the power to determine the reasonableness of the membership rules and procedures of employee organizations. The ALJ additionally stated that he might be inclined to find CSEA's summary suspension procedures unreasonable under Dills Act section 3515.5, but that he was precluded from doing so by Hackett.

The ALJ erred in his application of Hackett to this case. As the Board noted in Hackett:

... Charging Parties were suspended because they, after being warned not to interfere with the ratification votes for other bargaining units, distributed fliers, criticized the agreements that had been reached in other bargaining units and disrupted ratification meetings in an effort to discourage Bargaining Units 4, 15, 20 and 21 members from voting to accept and ratify the tentative agreements in their respective bargaining units. (Id. at p. 6, warning letter.)

Hackett is distinguishable from the instant proceeding. In Hackett, the Board's decision regarding the reasonableness of the suspension procedure was predicated upon the charging parties' disruption of the orderly contract ratification process. No such emergency situation appears in the case presently before the Board.

The CSEA Bylaws Article XIX, Section 1, states:

These Bylaws shall be the supreme law of the Association, subject only to the Articles of Incorporation and the provisions of the laws of the State of California and the United States of America. Any inconsistent provision of the Policy File, or contrary act of the General Council, the Board of Directors, divisions/affiliate(s), or the officers, employees, or agents of the Association is void.

Division 10 of CSEA's Policy File governs CSEA's discipline of its members. Policy File section 1001.01 authorizes disciplinary action, inter alia, for the following reasons:

- (c) Activity by an Association officer actively working for or supporting any other organization that violates the Bylaws and/or Policy File of the Association;
- (f) Violation of the Association's or chapter's Bylaws or the Policy File;
- (g) Taking an active part in promoting another organization which is undermining the objectives or the existence of the Association or is seeking its decertification;
- (n) Misuse of Association or chapter funds, equipment, supplies or other assets.²¹

CSEA Policy File section 1001.03 in turn states:

When, in the opinion of the president, the actions of a member are such as to pose an immediate threat to the welfare of the Association, the president may summarily suspend the member until the procedure established in Division 10 of the Policy File is concluded. If written charges are not filed within 10 working days, the suspension is terminated.

If the summary suspension provisions of CSEA Policy File section 1001.03 are not invoked, Division 10 otherwise provides that suspension or other discipline is effective only upon a three-fourths vote of the CSEA Board of Directors, acting on the report of a hearing officer or panel, after a full hearing on specific charges.

²¹The January 28 agenda item specifically quoted Policy File section 1001.01(c) and (g).

The report of the SEIU hearing officer, held pursuant to the claims filed by the charging parties, addressed these summary suspension procedures and stated, in part:

I am unable to find any place in the CSEA Bylaws where the CSEA President is given the authority to summarily suspend a person from membership. Instead, the Bylaws at Article III, Section 12, require a "hearing prior to disciplinary action being effective." In addition, they require a "three-fourths vote of the Board of Directors" to impose discipline upon a member. The Board of Directors may neither delegate its authority to discipline members to the President, nor may it authorize the President to do what the Bylaws did not authorize him or her to do. The complaint here alleges that the suspensions of membership are being imposed prior to a disciplinary hearing by the CSEA President, and Mr. Kenny himself acknowledges that the six individuals are being suspended from membership ". . . pending the completion of the internal discipline process . . ."

.....

Mr. Kenny has pointed to the CSEA Policy File as authority for his summary pre-hearing suspensions. . . . However, it does not appear that the policies to which he refers are authorized by, or consistent with, the Bylaws of the organization. The Bylaws are "the supreme law of the Association," and it is specifically provided at Article XIX of the Bylaws that '[a]ny inconsistent provision of the Policy File . . . is void.' The provision of the Policy File which allows for summary suspension by the CSEA President prior to a hearing is inconsistent with the Bylaws, which provide that only the Board may impose discipline on a member and only after a hearing. The Policy File, which is adopted only by the CSEA Board of Directors, and not by the General Council, may not grant authority that the Bylaws have not conferred.

The SEIU hearing officer went on to find that the charging parties' complaint was "legitimate" and appropriate for investigation, and that "summary suspensions of members prior to a hearing does not comport with democratic internal procedures and is not consistent with CSEA Bylaws."

C. Application of Section 3515.5

A review of the exhibits filed in this case appears to confirm the findings of the SEIU hearing officer that the summary suspension procedures contained in the Policy File were in violation of CSEA Bylaws. Although this fact may cast serious doubt upon the reasonableness of this procedure, it is not necessary for the Board to reach the question of the reasonableness of the summary suspension procedures themselves.²² PERB's authority to determine the reasonableness of a membership provision must include not just the reasonableness of the provision itself, but the reasonableness of the provision as it was applied in the case pending before the Board. (Colman, p. 21.) Here, even if the Board were to find that the summary suspension procedures were reasonable, a violation of the Dills Act will be found if their application in this case was not reasonable.

By its own language, the summary suspension proceedings can be invoked when the actions of a member "pose an immediate threat to the welfare of the Association." Unlike Hackett, where invocation of the summary suspension procedure appeared justified by an aggressive disruption of the contract ratification process, no such immediate threat was present here. The activities of CDU have been ongoing for almost a decade.²³ The letters of suspension nowhere indicated the need for immediate action prior to a hearing. Awaiting the conclusion of a due process hearing, under the CSEA Bylaws, would have required only a

²²In Parisot the Board found that "A provision which permits suspension of a member who is engaged in decertification activities against the organization is reasonable." (Parisot, p. 9.) However, the Board went on to reverse the hearing officer's dismissal of the charges, finding that Parisot "has raised questions about the reasonableness of the procedures followed by CSEA in dealing with all of the charges." (Id. at p. 11.)

²³See footnote 4, supra.

comparatively short, additional period. The actions of the CSEA Board and Kenny appear to furnish evidence of an unreasonable application of CSEA procedures.

CSEA's animosity toward CDU is revealed in its motion to dismiss. In the statement of facts to the motion to dismiss, counsel for CSEA wrote:

On or about December 22, 1999,^[24] CSEA received a copy of the decision in Hard, Hackett, et al v. CSEA, PERB Dec. No. 1368-S (the Hard decision). In this decision, PERB overruled its earlier decision, CSEA (Hackett, et al), PERB Dec. No. 1126-S^[25], and concluded that the charging parties had failed to establish that their activities on behalf of Caucus for a Democratic Union (hereinafter "CDU") were protected activities under the Dills Act. For many years, CSEA had serious concerns about the unregulated and unfettered activities of CDU disparaging and attacking CSEA. During this time, CDU has operated outside of the governance of CSEA and had refused to abide by the regulations imposed on an employee organization. On January 28, 2000, the CSEA Board of Directors ("Board"), acting in Executive Session, adopted a motion which declared the CDU a competing organization under CSEA's policy and in violation of CSEA's policy. [Emphasis added.]

Futhermore, it stretches the bounds of credulity to assume it was merely accidental that the date the summary suspensions were to begin, February 15, coincided with the opening of nominations for CSEA office. Kenny stated in his letter to Landingham that his CSEA membership was to be suspended effective February 15, and would remain in effect until the CSEA disciplinary procedure had been concluded. Upon the suspension of his membership, Landingham would not be eligible to run for CSEA office, to be a steward, nor would he be eligible for union leave.

²⁴The Board decision in Hard issued on December 21, 1999.

²⁵Hackett involved many of the same charging parties and activities which are the subject of this proceeding. In Hackett, the Board found that the conduct of the charging parties was protected under Dills Act section 3519.5(b), in that it was a challenge to the union leadership, not to the union itself.

Taking all of these facts together, the Board concludes that the actions of CSEA were undertaken in violation of its own Bylaws and Policy File for the unreasonable purpose of interfering with the right of the Landingham to run for CSEA elected office. The facts of this case, when contrasted with the facts of Hackett, show that the ALJ was not bound by precedent to find that no violation of the Dills Act had occurred. The Board hereby finds that CSEA's actions were violative of the provisions of Dills Act section 3515.5.²⁶

II. Retaliation for Protected Activity

Regarding the retaliation claim, the ALJ addressed two theories of protected activity: (1) that Landingham's union activities had an impact on employer-employee relations because they were directly related to the bargaining process that is at the heart of employer-employee relations under the Dills Act; and (2) that under Cupertino, the filing of unfair practice charges by members of CDU brought Landingham under the protection of Garcia.

As to the first of these theories, Landingham catalogued numerous organizing and bargaining efforts in which he had been engaged on behalf of CDU. However, he did not show how his involvement in many of these acts specifically impacted the employer-employee relationship, thus making it a protected activity. In the abstract, any act undertaken to improve

²⁶The fact that Landingham was reinstated to membership on March 1, that he was able to run for union office, and that the internal charges against him resulted in his only receiving his pre-March 1 suspension as a penalty does not render this case moot. As the Board held in Amador Valley Joint Union High School District (1978) PERB Decision No. 74:

A case in controversy becomes moot when the essential nature of the complaint is lost because of some superceding act or acts or the parties.

The essential nature of this complaint, i.e., the reasonableness of CSEA's summary suspension procedures, has not been lost. This controversy could continue to arise if the Board does not address the question in this case. The Board is ruling on the underlying issues for the

employees wages and working conditions, including participation in rallies, distributing literature, wearing buttons or t-shirts, could be seen as meeting this test. However, as the Board made clear in Hard, that is not the case. As CSEA argued in its exceptions, membership in CDU is not protected per se. A more direct and cognizable impact on the employer-employee relationship must be shown in order to meet the standard set forth in Kimmet and Hard.²⁷ Although the ALJ did find that Landingham's prior bargaining process activities on behalf of CDU constituted protected activity, he also concluded that the adverse actions against Landingham were not motivated by his bargaining-related union activities. The ALJ correctly found that "The record as a whole does not support that additional inference." The finding of retaliation was therefore not based upon this theory of protected conduct.

As to the ruling that the filing by members of CDU of unfair practice charges against CSEA protected Landingham under Cupertino, the ALJ found that "In effect, [in Cupertino] PERB held that the protected activities of some employees could be attributed to other employees in the same group, if adverse action against the group was unlawfully motivated by those protected activities."

Cupertino is distinguishable from the instant case. In Cupertino the exclusive representative charged that management had implemented a layoff which targeted a specific department because of the high number of union activists in that department. Here, the Board

express purpose of clarifying the application of Hackett to similar, but distinguishable, facts in the case at bar.

²⁷For example, had Landingham's suspension occurred in the middle of negotiations with the State, and he was shown to be a key or integral part of the negotiating team and that the suspension was the result of the negotiating function he was performing, such acts might constitute a sufficient impact on the employer-employee relationship to justify action by the Board. (See Parisot, p. 11.)

reversed the regional attorney's partial dismissal of the charge, and ordered that a complaint issue. This order was based on the grounds that there was sufficient circumstantial evidence from which an inference could be drawn that there was a link between past aggressive union activity and the decision to lay off a particular group.

Cupertino found that if it was shown that the employer's decision was motivated by the protected acts of some members of the group, then the layoff is unlawful as to the entire group. Cupertino did not hold that the protected acts of some members of a group will automatically be attributed to all members of that group.²⁸ Cupertino held that protected activity can raise an inference of retaliation sufficient to justify the issuance of a complaint. It did not conclude that retaliation had occurred because of an unrelated protected activity.

There thus appears to be no protected activity upon which to base the retaliation claim. Accordingly, this portion of the charge is dismissed.

ORDER

Based upon the foregoing, and upon the entire record in this matter, it is found that the California State Employees Association (CSEA) violated the Ralph C. Dills Act (Dills Act), Government Code section 3515.5, by unreasonably dismissing Ron Landingham (Landingham) from membership in CSEA. All other allegations are hereby dismissed.

Pursuant to Dills Act section 3514.5(c), it is hereby ORDERED that CSEA and its representatives shall:

²⁸If this were true, any group of employees could theoretically immunize themselves from union internal disciplinary procedures by banding together, giving themselves a name, and having one member file an unfair practice charge with PERB.

A. CEASE AND DESIST FROM:

The application of unreasonable provisions for the purpose of dismissing Landingham from membership in CSEA.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE DILLS ACT:

1. Withdraw and destroy the complaint filed against Landingham by the CSEA secretary-treasurer, along with all related documents, including the hearing panel's records and recommendation, the CSEA Board of Directors' adoption of that recommendation, and the Board of Directors' suspension of Landingham.

2. Within ten (10) workdays of the service of a final decision in this matter, post copies of the Notice attached hereto as an Appendix at all State of California work sites and all other work locations where notices to employees represented by CSEA are customarily posted. The Notice must be signed by an authorized agent of CSEA, indicating CSEA will comply with the terms of this Order. Such posting shall be maintained for a period of thirty (30) consecutive workdays. Reasonable steps shall be taken to ensure the Notice is not reduced in size, altered, defaced or covered with any other material.

3. Upon issuance of a final decision, make written notification of the actions taken to comply with the Order to the Sacramento Regional Director of the Public Employment Relations Board, in accord with the regional director's instructions. Written notification to the regional director must be served concurrently on the charging parties.

Members Baker and Neima joined in this Decision.

APPENDIX



**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD
An Agency of the State of California**

After a hearing in Unfair Practice Case No. SA-CO-225-S, Jim Hard, Cathy Hackett, Ron Landingham, Marc Bautista, Adrienne Suffin & Walter Rice v. California State Employees Association, in which all parties had the right to participate, it has been found that the California State Employees Association (CSEA) violated the Ralph C. Dills Act (Dills Act), Government Code section 3515.5, by unreasonably dismissing Ron Landingham (Landingham) from membership in CSEA. All other allegations are hereby dismissed.

As a result of this conduct, we have been ordered to post this Notice and we will:

A. CEASE AND DESIST FROM:

The application of unreasonable provisions for the purpose of dismissing Landingham from membership in CSEA.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE DILLS ACT:

Withdraw and destroy the complaint filed against Landingham by the CSEA secretary-treasurer, along with all related documents, including the hearing panel's records and recommendation, the CSEA Board of Directors' adoption of that recommendation, and the Board of Directors' suspension of Landingham.

Dated: _____

CALIFORNIA STATE EMPLOYEES
ASSOCIATION

By: _____
Authorized Agent

THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR AT LEAST THIRTY (30) CONSECUTIVE WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE REDUCED IN SIZE, DEFACED, ALTERED, OR COVERED WITH ANY OTHER MATERIAL.

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



JIM HARD, CATHY HACKETT, RON
LANDINGHAM, MARC BAUTISTA,
ADRIENNE SUFFIN & WALTER RICE,

Charging Parties,

v.

CALIFORNIA STATE EMPLOYEES
ASSOCIATION,

Respondent.

Case No. SA-CO-225-S

Request for Reconsideration
PERB Decision No. 1479-S

PERB Decision No. 1479a-S

October 21, 2002

Appearance: Catherine Kennedy, Attorney, for California State Employees Association.

Before Baker, Whitehead and Neima, Members.

DECISION

WHITEHEAD, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request by the California State Employees Association (CSEA) that the Board grant reconsideration of California State Employees Association (Hard, et al.) (2002) PERB Decision No. 1479-S (Hard, et al.). In Hard, et al., the Board reversed an administrative law judge's (ALJ) proposed decision. The Board found that it had jurisdiction to determine the reasonableness of CSEA's summary suspension procedures under section 3515.5 of the Ralph C. Dills Act (Dills Act)¹ and that its summary suspension of Ron Landingham (Landingham) interfered with Landingham's protected rights in violation of section 3519.5(b). The Board

¹The Dills Act is codified at Government Code section 3512 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

also held that Landingham did not demonstrate the effect of his protected activities on the employer-employee relationship to show retaliation under section 3519.5(b).

After reviewing the entire record in this matter, including CSEA's request for reconsideration, the Board denies the request for reconsideration based upon the following discussion.

DISCUSSION

PERB Regulation 32410(a)² allows any party to a decision of the Board itself, because of extraordinary circumstances, to request the Board to reconsider the decision. Section 32410(a) states, in pertinent part:

The grounds for requesting reconsideration are limited to claims that: (1) the decision of the Board itself contains prejudicial errors of fact, or (2) the party has newly discovered evidence which was not previously available and could not have been discovered with the exercise of reasonable diligence.

CSEA's arguments in its request for reconsideration will be addressed in the order raised.

First, CSEA claims that the Board misinterpreted CSEA's bylaws covering discipline of CSEA officers, thus creating a prejudicial error of fact. Article XIX, Section 1 of CSEA's bylaws provides:

These Bylaws shall be the supreme law of the Association, subject only to the Articles of Incorporation and the provisions of the laws of the State of California and the United States of America. Any inconsistent provision of the Policy File, or contrary act of the General Council, the Board of Directors, divisions/affiliate(s), or the officers, employees, or agents of the Association is void.

Article IV, section 1(d) of the CSEA Bylaws, Discipline, provides:

²PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

Association officers and directors may be disciplined by the Board of Directors in accordance with rules established by the Board of Directors, which shall provide for, but not be limited to: causes for disciplinary action; prior notice in writing; right to counsel; written specification of charges; types of disciplinary action that may be taken; suspension during investigation; hearing prior to disciplinary action becoming effective; and right of appeal. (Emphasis added.)

CSEA Policy File, Division 10, section 1001.03, Suspension of Membership provides, in pertinent part:

When, in the opinion of the president, the actions of a member are such as to pose an immediate threat to the welfare of the Association, the president may summarily suspend the member until the procedure established in Division 10 of the Policy File is concluded. If written charges are not filed within 10 working days, the suspension is terminated.

Reading the above provisions together, we disagree with CSEA's assertion that the Board misconstrued CSEA's bylaws. CSEA Bylaws, Article IV, section 1(d) does indeed allow for suspension during investigation "in accordance with rules established by the Board of Directors." In the CSEA Policy File, section 1001.03, the CSEA board of directors set forth those rules, requiring "an immediate threat to the welfare of the Association" before instituting a summary suspension during investigation of a charge, but before hearing and due process. (Emphasis added.) Therefore, the CSEA Policy File, section 1001.03 implements the Bylaws, Article IV, section 1(d), rather than conflicts with it. As the Board properly concluded, there was no such showing of an immediate threat to the welfare of CSEA in the instant matter. Indeed, CSEA's suspension of Landingham, without evidence of an immediate threat to the welfare of CSEA, was inconsistent with the dictates of Bylaws Article XIX, section 1 and Article IV, section 1(d). As a result, CSEA has not shown a prejudicial error of fact in the Board's interpretation of CSEA's bylaws and policy file.

Second, CSEA alleges that the Board improperly used “motive” as a factor for its holding that CSEA interfered with Landingham’s rights. CSEA, unfortunately, misunderstands the Board’s holding. What the Board did is evaluate various factors in order to conclude that CSEA’s internal discipline policy as applied to Landingham was unreasonable in violation of Dills Act section 3515.5. Such factors included CSEA’s violation of its own internal discipline rules, as discussed above, and its animosity toward Caucus for a Democratic Union (CDU) as revealed by statements in its motion to dismiss. (Hard, et al., p. 21.)

CSEA further argues that the Board’s ruling contradicts its holding in California State Employees Association (Hard) (1999) PERB Decision No. 1368-S (Hard). In Hard, the Board, referring to the limitation in Service Employees International Union, Local 99 (Kimmett) (1979) PERB Decision No. 106, explained that it has “refused to intervene in matters involving the solely internal activities or relationships of an employee organization which do not impact employer-employee relations” (Hard, pp. 24-25) and that “PERB’s function is to interpret and administer the statutes which govern the employer-employee relationship, not to police internal relationships among various factions within employee organizations.” (Hard, p. 28.)

However, the Board has not surrendered its power to review internal union activities for which the Legislature has given the Board the power to act. In fact, the Board, in footnote 15, noted that the author of Hard stated that he “did not intend for the case to be used as a license to abrogate rights protected by the Dills Act.”³ Such rights include reasonable membership and dismissal provisions for union members under Dills Act section 3515.5. In this case, the Board confirmed its authority to adjudicate disputes over the statutory rights of union

³This quote is taken from Board Member Amador’s dissent from the denial of the request for injunctive relief in the present case.

members. In so doing, the Board cited precedent interpreting Section 3515.5 and parallel statutes under the Board's jurisdiction. (California School Employees Association and its Shasta College Chapter #381 (Parisot) (1983) PERB Decision No. 280 and California Correctional Peace Officers Association (Colman) (1989) PERB Decision No. 755-S (Colman).) Thus, under this analysis, Landingham has a protected right to reasonable internal disciplinary procedures and the reasonable application of those procedures.

The test for whether a respondent has interfered with the rights of employees under the Dills Act does not require that unlawful motive be established, only that some slight harm to employee rights results from the conduct. The standard for interference is as follows:

[I]n order to establish a prima facie case of unlawful interference, the charging party must establish that the respondent's conduct tends to or does result in some harm to employee rights granted under EERA. (State of California (Department of Developmental Services) (1983) PERB Decision No. 344-S, citing Carlsbad Unified School District (1979) PERB Decision No. 89; Service Employees International Union, Local 99 (Kimmitt) (1979) PERB Decision No. 106.)

Under the above-described test, a violation may only be found if the Dills Act provides the claimed rights. For example, in Clovis Unified School District (1984) PERB Decision No. 389, the Board held that a finding of coercion does not require evidence that the employee actually felt threatened or intimidated or was in fact discouraged from participating in protected activity. The failure of CSEA to establish or follow reasonable disciplinary procedures violates Dills Act section 3515.5 and thus interferes with Landingham's protected rights under Dills Act section 3519.5(b).⁴

⁴CSEA disputes the applicability of Colman to this matter by stating that the facts showing an interference violation are distinguishable from the facts in this matter. According to CSEA, unlike Colman, Landingham's participation in CDU or his running for CSEA elective office is not a protected activity and should not have been the basis for a finding of

On this issue, CSEA is arguing in substance that the Board has made a legal, not a factual error, in interpreting Board precedent. Purported errors of law are not grounds for reconsideration. (Apple Valley Unified School District (1990) PERB Order No. Ad-209a (Apple Valley), citing South Bay Union School District (1990) PERB Decision No. 791a, p. 7, and State of California (California Department of Forestry and Fire Protection) (1989) PERB Decision No. 734a-S, pp. 2-3.) We therefore hold that the Board's reference to circumstances surrounding Landingham's suspension, in order to find interference with Landingham's protected rights under Dills Act Section 3515.5, does not constitute a prejudicial error of fact.

Third, CSEA argues that it was inappropriate for the Board to rely upon the Service Employees International Union (SEIU) hearing officer's report as evidence that CSEA's discipline of Landingham was unreasonable and that such reliance is prejudicial error,⁵ citing Evidence Code 1200,⁶ PERB Regulation 32176, and the CSEA/SEIU Affiliation Agreement found in CP Exhibit 27.⁷ PERB Regulation section 32176 provides, in pertinent part:

interference. Furthermore, Landingham was ultimately not deprived of his ability to run for elected office. (Note that in Hard, et al., p. 22, fn. 26, the Board disposes of this argument.) So, CSEA argues, there is no evidence of actual interference with Landingham's rights under the Dills Act. As stated above, under Section 3515.5, Landingham has a protected right to reasonable disciplinary policies or the reasonable application of those policies. Landingham's both potential and actual inability to run for union office at the time of the suspension as well as CSEA's failure to follow its own internal disciplinary procedures are evidence of the unreasonable application of CSEA's disciplinary procedures. Conversely, CSEA interfered with Landingham's protected right to reasonable membership and disciplinary procedures.

⁵Hard, et al., p. 19.

⁶Evidence Code section 1200 provides: (a) "Hearsay evidence" is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated. (b) Except as provided by law, hearsay evidence is inadmissible. (c) This section shall be known and may be cited as the hearsay rule.

⁷CP Exhibit 27 includes, among other documents, a letter from CSEA legal counsel to the SEIU hearing officer that under the Affiliation Agreement, SEIU had no jurisdiction to

Compliance with the technical rules of evidence applied in the courts shall not be required. . . . Hearsay evidence is admissible but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

We disagree that the Board's reliance upon the SEIU hearing officer's report was in error, let alone prejudicial error. This is the first time that CSEA has raised this issue, although the ALJ had alluded to this report in his proposed decision. In the proposed decision, the ALJ indicated that he would find CSEA's summary suspension procedures unreasonable under Dills Act section 3515.5 for the same reasons expressed by the SEIU hearing officer. Assuming that the report is hearsay under Evidence Code section 1200, it is only one factor, among others, considered by the Board in its finding that CSEA's summary suspension of Landingham was unreasonable. The Board also looked at the timing of the suspension, which occurred during the nomination period for candidates for CSEA office, the evidence of CSEA's animosity toward CDU, and the Board's finding that CSEA violated its own bylaws and policy file. The Board, on its own, merely reached the same conclusions as the SEIU hearing officer. Thus, the Board's reference to the SEIU hearing officer's findings is not inconsistent with the requirements of PERB Regulation 32176.

In addition, CSEA asserts that it challenged SEIU's jurisdiction under the Affiliation Agreement for investigations of compliance with CSEA internal dispute procedures. However, a reading of the Affiliation Agreement, as cited by CSEA legal counsel in its letter to the SEIU hearing officer, seemingly allows CSEA members appeal to the international president and/or executive board solely to determine whether or not CSEA has complied with its internal

conduct an investigation, hearing or fact-finding involving CSEA's internal dispute resolution procedures, including discipline of its members. Also, included in Exhibit 27 is the SEIU hearing officer's report and a letter from CSEA President Perry Kenny to SEIU President Andy Stern, again disputing SEIU's assumption of jurisdiction in this matter.

dispute resolution procedures. (See CP Ex. 27.) Article 7, section 8 of the Affiliation Agreement states, in pertinent part, that “CSEA affirms that it has a responsibility to its members to ensure that It maintains democratic internal procedures.” Article 7, section 11 of the Affiliation Agreement provides in pertinent part:

INTERNAL CSEA DISPUTES. Notwithstanding the provisions of Article 3 of this Agreement, SEIU waives jurisdiction to adjudicate disputes arising within CSEA, including, but not limited to, those concerning election to office in CSEA or its subordinate bodies; grievances and appeals; discipline of its members; and granting or revoking its chapter charters with respect to those actions arising under the constitution and bylaws of CSEA.

SEIU hereby finds that CSEA’s Internal (sic) dispute-resolution procedures contained in its constitution and bylaws as they now exist are in substantial compliance with SEIU requirements of due process and fair play. CSEA retains the right to interpret and apply the provisions of its Constitution and Bylaws.

CSEA members may appeal to the International President and/or Executive Board solely for determination whether CSEA adhered to its internal dispute resolution procedures. The President and the International Executive board may uphold CSEA’s adherence to those procedures or may remand the dispute to CSEA for adherence to those procedures.

Arguably, these provisions are internally consistent and may be construed to allow SEIU to investigate and make a determination on a complaint by a CSEA member regarding whether CSEA adhered to its internal disciplinary procedures, and if not, remand the complaint to CSEA for compliance with those procedures.⁸ Seemingly, all the SEIU hearing officer did

⁸The SEIU hearing officer construed the Affiliation Agreement to reach a similar conclusion. He added that the history of the Affiliation Agreement would explain any possible inconsistency. This current agreement is the second negotiated Affiliation Agreement, as revised in December 1988. The 1988 revision added the language in Article 7, section 8 conferring authority to the international president to investigate a complaint regarding “the maintenance of democratic procedures.” It also added the language in Article 7, section 11, which allowed the international president, upon receipt of a complaint, to determine whether

in his report was to find the complaints to be legitimate and recommend postponing the suspensions. The SEIU hearing officer found, and the parties do not dispute, that the suspensions occurred before hearing and without a CSEA board of directors vote on each suspension. After investigation and hearing, the SEIU hearing officer concluded that the “summary suspensions of members prior to a hearing does (sic) not comport with democratic internal procedures and is not consistent with the CSEA bylaws.”

CSEA’s objections on this issue involve interpretation of legal documents and the rules of evidence. There is no issue of fact argued. Again, citing to Apple Valley, we therefore conclude that the Board’s reference to the SEIU hearing officer’s report does not constitute a prejudicial error of fact.

Fourth, CSEA argues that the Board’s sua sponte review of the ALJ’s reliance upon California State Employees Association (Hackett, et al.) (1993) PERB Decision No. 979-S (Hackett) constitutes a prejudicial error of fact. CSEA asserts that the Board’s citation to Mt. Diablo Unified School District (1984) PERB Decision No. 373b (Mt. Diablo) was inappropriate as that case is factually distinguishable from the instant matter. CSEA contends that since neither party excepted to or argued these issues, it had no notice that the Board wanted to “revisit” Hackett. If it had received such notice, CSEA contends that it could have clarified various “factual” errors, such as the Board’s inappropriate reference to the SEIU hearing officer’s report.⁹

internal dispute procedures have been followed. According to the SEIU hearing officer, the international did not possess such authority in the original Affiliation Agreement.

⁹CSEA states that Landingham agrees with its view that SEIU lacks authority to adjudicate disputes arising out of CSEA’s implementation of its internal disciplinary procedures. In his testimony, Landingham acknowledged SEIU’s inability “to do anything other than do an investigation and issue a report, which it would send to the Board of Directors

According to CSEA, the Board, instead, could have requested oral argument under PERB Regulation 32315¹⁰ for exceptions filed under PERB Regulation 32300, but did not. CSEA concludes therefore that due process requires reconsideration.

However, it is clear that Board precedent allows such “sua sponte” review. In Apple Valley, the Board held that a reversal of precedent by the Board does not constitute grounds for reconsideration.¹¹ The Board further held in Apple Valley that the Board is not constrained from applying legal analysis not urged by the parties, or from considering sua sponte legal issues not raised by the parties when necessary to correct a serious mistake of law, citing Mt. Diablo and Fresno Unified School District (1982) PERB Decision No. 208.

In addition, to avoid a “serious mistake of law,” the effect of which would derogate Landingham’s rights under the Dills Act, the Board properly distinguished this case from Hackett in finding that, unlike Hackett, there was no showing of immediate threat to the welfare of CSEA under CSEA Policy File section 1001.03. The argument that the Board’s sua sponte review creates a “prejudicial error of fact” is thereby strained at best. Under Apple

[of CSEA] for their possible action.” (RT, Vol. I, 18-20.) It appears that Landingham’s understanding of SEIU’s authority therefore corresponds with that of the Board, described above.

¹⁰PERB Regulation 32315 provides:

A party desiring to argue orally before the Board itself regarding the exceptions to the proposed decision shall file with the statement of exceptions or the response to the statement of exceptions a written request stating the reasons for the request. Upon such request or its own motion the Board itself may direct oral argument.

¹¹In Apple Valley, the Board was interpreting a previous version of PERB Regulation 32410(a), which included “newly discovered law” that “was not previously available or could not have been discovered with the exercise of reasonable diligence” as grounds for granting

Valley and cases cited, the Board has appropriately exercised its authority to engage in sua sponte review of the application of Hackett to this matter.

We therefore conclude that CSEA has not shown the existence of extraordinary circumstances either by proving that the decision in Hard, et al. contained prejudicial errors of fact or by meeting any of the limited criteria found in PERB Regulation 32410(a). As a result, the Board denies CSEA's request for reconsideration.

ORDER

The California State Employees Association's request for reconsideration of the Board's decision in California State Employees Association (Hard, et al.) (2002) PERB Decision No. 1479-S is hereby DENIED.

Members Baker and Neima joined in this Decision.

reconsideration. The phrase "newly discovered law" has since been deleted from that regulation.

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



JIM HARD, CATHY HACKETT, RON
LANDINGHAM, MARC BAUTISTA,
ADRIENNE SUFFIN & WALTER RICE,

Charging Parties,

v.

CALIFORNIA STATE EMPLOYEES
ASSOCIATION,

Respondent.

Case No. SA-CO-225-S

Request for Reconsideration
PERB Decision No. 1479-S

PERB Decision No. 1479a-S

October 21, 2002

Appearance: Catherine Kennedy, Attorney, for California State Employees Association.

Before Baker, Whitehead and Neima, Members.

DECISION

WHITEHEAD, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request by the California State Employees Association (CSEA) that the Board grant reconsideration of California State Employees Association (Hard, et al.) (2002) PERB Decision No. 1479-S (Hard, et al.). In Hard, et al., the Board reversed an administrative law judge's (ALJ) proposed decision. The Board found that it had jurisdiction to determine the reasonableness of CSEA's summary suspension procedures under section 3515.5 of the Ralph C. Dills Act (Dills Act)¹ and that its summary suspension of Ron Landingham (Landingham) interfered with Landingham's protected rights in violation of section 3519.5(b). The Board

¹The Dills Act is codified at Government Code section 3512 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

also held that Landingham did not demonstrate the effect of his protected activities on the employer-employee relationship to show retaliation under section 3519.5(b).

After reviewing the entire record in this matter, including CSEA's request for reconsideration, the Board denies the request for reconsideration based upon the following discussion.

DISCUSSION

PERB Regulation 32410(a)² allows any party to a decision of the Board itself, because of extraordinary circumstances, to request the Board to reconsider the decision. Section 32410(a) states, in pertinent part:

The grounds for requesting reconsideration are limited to claims that: (1) the decision of the Board itself contains prejudicial errors of fact, or (2) the party has newly discovered evidence which was not previously available and could not have been discovered with the exercise of reasonable diligence.

CSEA's arguments in its request for reconsideration will be addressed in the order raised.

First, CSEA claims that the Board misinterpreted CSEA's bylaws covering discipline of CSEA officers, thus creating a prejudicial error of fact. Article XIX, Section 1 of CSEA's bylaws provides:

These Bylaws shall be the supreme law of the Association, subject only to the Articles of Incorporation and the provisions of the laws of the State of California and the United States of America. Any inconsistent provision of the Policy File, or contrary act of the General Council, the Board of Directors, divisions/affiliate(s), or the officers, employees, or agents of the Association is void.

Article IV, section 1(d) of the CSEA Bylaws, Discipline, provides:

²PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

Association officers and directors may be disciplined by the Board of Directors in accordance with rules established by the Board of Directors, which shall provide for, but not be limited to: causes for disciplinary action; prior notice in writing; right to counsel; written specification of charges; types of disciplinary action that may be taken; suspension during investigation; hearing prior to disciplinary action becoming effective; and right of appeal. (Emphasis added.)

CSEA Policy File, Division 10, section 1001.03, Suspension of Membership provides, in pertinent part:

When, in the opinion of the president, the actions of a member are such as to pose an immediate threat to the welfare of the Association, the president may summarily suspend the member until the procedure established in Division 10 of the Policy File is concluded. If written charges are not filed within 10 working days, the suspension is terminated.

Reading the above provisions together, we disagree with CSEA's assertion that the Board misconstrued CSEA's bylaws. CSEA Bylaws, Article IV, section 1(d) does indeed allow for suspension during investigation "in accordance with rules established by the Board of Directors." In the CSEA Policy File, section 1001.03, the CSEA board of directors set forth those rules, requiring "an immediate threat to the welfare of the Association" before instituting a summary suspension during investigation of a charge, but before hearing and due process. (Emphasis added.) Therefore, the CSEA Policy File, section 1001.03 implements the Bylaws, Article IV, section 1(d), rather than conflicts with it. As the Board properly concluded, there was no such showing of an immediate threat to the welfare of CSEA in the instant matter. Indeed, CSEA's suspension of Landingham, without evidence of an immediate threat to the welfare of CSEA, was inconsistent with the dictates of Bylaws Article XIX, section 1 and Article IV, section 1(d). As a result, CSEA has not shown a prejudicial error of fact in the Board's interpretation of CSEA's bylaws and policy file.

Second, CSEA alleges that the Board improperly used “motive” as a factor for its holding that CSEA interfered with Landingham’s rights. CSEA, unfortunately, misunderstands the Board’s holding. What the Board did is evaluate various factors in order to conclude that CSEA’s internal discipline policy as applied to Landingham was unreasonable in violation of Dills Act section 3515.5. Such factors included CSEA’s violation of its own internal discipline rules, as discussed above, and its animosity toward Caucus for a Democratic Union (CDU) as revealed by statements in its motion to dismiss. (Hard, et al., p. 21.)

CSEA further argues that the Board’s ruling contradicts its holding in California State Employees Association (Hard) (1999) PERB Decision No. 1368-S (Hard). In Hard, the Board, referring to the limitation in Service Employees International Union, Local 99 (Kimmet) (1979) PERB Decision No. 106, explained that it has “refused to intervene in matters involving the solely internal activities or relationships of an employee organization which do not impact employer-employee relations” (Hard, pp. 24-25) and that “PERB’s function is to interpret and administer the statutes which govern the employer-employee relationship, not to police internal relationships among various factions within employee organizations.” (Hard, p. 28.)

However, the Board has not surrendered its power to review internal union activities for which the Legislature has given the Board the power to act. In fact, the Board, in footnote 15, noted that the author of Hard stated that he “did not intend for the case to be used as a license to abrogate rights protected by the Dills Act.”³ Such rights include reasonable membership and dismissal provisions for union members under Dills Act section 3515.5. In this case, the Board confirmed its authority to adjudicate disputes over the statutory rights of union

³This quote is taken from Board Member Amador’s dissent from the denial of the request for injunctive relief in the present case.

members. In so doing, the Board cited precedent interpreting Section 3515.5 and parallel statutes under the Board's jurisdiction. (California School Employees Association and its Shasta College Chapter #381 (Parisot) (1983) PERB Decision No. 280 and California Correctional Peace Officers Association (Colman) (1989) PERB Decision No. 755-S (Colman).) Thus, under this analysis, Landingham has a protected right to reasonable internal disciplinary procedures and the reasonable application of those procedures.

The test for whether a respondent has interfered with the rights of employees under the Dills Act does not require that unlawful motive be established, only that some slight harm to employee rights results from the conduct. The standard for interference is as follows:

[I]n order to establish a prima facie case of unlawful interference, the charging party must establish that the respondent's conduct tends to or does result in some harm to employee rights granted under EERA. (State of California (Department of Developmental Services) (1983) PERB Decision No. 344-S, citing Carlsbad Unified School District (1979) PERB Decision No. 89; Service Employees International Union, Local 99 (Kimmitt) (1979) PERB Decision No. 106.)

Under the above-described test, a violation may only be found if the Dills Act provides the claimed rights. For example, in Clovis Unified School District (1984) PERB Decision No. 389, the Board held that a finding of coercion does not require evidence that the employee actually felt threatened or intimidated or was in fact discouraged from participating in protected activity. The failure of CSEA to establish or follow reasonable disciplinary procedures violates Dills Act section 3515.5 and thus interferes with Landingham's protected rights under Dills Act section 3519.5(b).⁴

⁴CSEA disputes the applicability of Colman to this matter by stating that the facts showing an interference violation are distinguishable from the facts in this matter. According to CSEA, unlike Colman, Landingham's participation in CDU or his running for CSEA elective office is not a protected activity and should not have been the basis for a finding of

On this issue, CSEA is arguing in substance that the Board has made a legal, not a factual error, in interpreting Board precedent. Purported errors of law are not grounds for reconsideration. (Apple Valley Unified School District (1990) PERB Order No. Ad-209a (Apple Valley), citing South Bay Union School District (1990) PERB Decision No. 791a, p. 7, and State of California (California Department of Forestry and Fire Protection) (1989) PERB Decision No. 734a-S, pp. 2-3.) We therefore hold that the Board's reference to circumstances surrounding Landingham's suspension, in order to find interference with Landingham's protected rights under Dills Act Section 3515.5, does not constitute a prejudicial error of fact.

Third, CSEA argues that it was inappropriate for the Board to rely upon the Service Employees International Union (SEIU) hearing officer's report as evidence that CSEA's discipline of Landingham was unreasonable and that such reliance is prejudicial error,⁵ citing Evidence Code 1200,⁶ PERB Regulation 32176, and the CSEA/SEIU Affiliation Agreement found in CP Exhibit 27.⁷ PERB Regulation section 32176 provides, in pertinent part:

interference. Furthermore, Landingham was ultimately not deprived of his ability to run for elected office. (Note that in Hard, et al., p. 22, fn. 26, the Board disposes of this argument.) So, CSEA argues, there is no evidence of actual interference with Landingham's rights under the Dills Act. As stated above, under Section 3515.5, Landingham has a protected right to reasonable disciplinary policies or the reasonable application of those policies. Landingham's both potential and actual inability to run for union office at the time of the suspension as well as CSEA's failure to follow its own internal disciplinary procedures are evidence of the unreasonable application of CSEA's disciplinary procedures. Conversely, CSEA interfered with Landingham's protected right to reasonable membership and disciplinary procedures.

⁵Hard, et al., p. 19.

⁶Evidence Code section 1200 provides: (a) "Hearsay evidence" is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated. (b) Except as provided by law, hearsay evidence is inadmissible. (c) This section shall be known and may be cited as the hearsay rule.

⁷CP Exhibit 27 includes, among other documents, a letter from CSEA legal counsel to the SEIU hearing officer that under the Affiliation Agreement, SEIU had no jurisdiction to

Compliance with the technical rules of evidence applied in the courts shall not be required. . . . Hearsay evidence is admissible but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

We disagree that the Board's reliance upon the SEIU hearing officer's report was in error, let alone prejudicial error. This is the first time that CSEA has raised this issue, although the ALJ had alluded to this report in his proposed decision. In the proposed decision, the ALJ indicated that he would find CSEA's summary suspension procedures unreasonable under Dills Act section 3515.5 for the same reasons expressed by the SEIU hearing officer. Assuming that the report is hearsay under Evidence Code section 1200, it is only one factor, among others, considered by the Board in its finding that CSEA's summary suspension of Landingham was unreasonable. The Board also looked at the timing of the suspension, which occurred during the nomination period for candidates for CSEA office, the evidence of CSEA's animosity toward CDU, and the Board's finding that CSEA violated its own bylaws and policy file. The Board, on its own, merely reached the same conclusions as the SEIU hearing officer. Thus, the Board's reference to the SEIU hearing officer's findings is not inconsistent with the requirements of PERB Regulation 32176.

In addition, CSEA asserts that it challenged SEIU's jurisdiction under the Affiliation Agreement for investigations of compliance with CSEA internal dispute procedures. However, a reading of the Affiliation Agreement, as cited by CSEA legal counsel in its letter to the SEIU hearing officer, seemingly allows CSEA members appeal to the international president and/or executive board solely to determine whether or not CSEA has complied with its internal

conduct an investigation, hearing or fact-finding involving CSEA's internal dispute resolution procedures, including discipline of its members. Also, included in Exhibit 27 is the SEIU hearing officer's report and a letter from CSEA President Perry Kenny to SEIU President Andy Stern, again disputing SEIU's assumption of jurisdiction in this matter.

dispute resolution procedures. (See CP Ex. 27.) Article 7, section 8 of the Affiliation Agreement states, in pertinent part, that “CSEA affirms that it has a responsibility to its members to ensure that It maintains democratic internal procedures.” Article 7, section 11 of the Affiliation Agreement provides in pertinent part:

INTERNAL CSEA DISPUTES. Notwithstanding the provisions of Article 3 of this Agreement, SEIU waives jurisdiction to adjudicate disputes arising within CSEA, including, but not limited to, those concerning election to office in CSEA or its subordinate bodies; grievances and appeals; discipline of its members; and granting or revoking its chapter charters with respect to those actions arising under the constitution and bylaws of CSEA.

SEIU hereby finds that CSEA’s Internal (sic) dispute-resolution procedures contained in its constitution and bylaws as they now exist are in substantial compliance with SEIU requirements of due process and fair play. CSEA retains the right to interpret and apply the provisions of its Constitution and Bylaws.

CSEA members may appeal to the International President and/or Executive Board solely for determination whether CSEA adhered to its internal dispute resolution procedures. The President and the International Executive board may uphold CSEA’s adherence to those procedures or may remand the dispute to CSEA for adherence to those procedures.

Arguably, these provisions are internally consistent and may be construed to allow SEIU to investigate and make a determination on a complaint by a CSEA member regarding whether CSEA adhered to its internal disciplinary procedures, and if not, remand the complaint to CSEA for compliance with those procedures.⁸ Seemingly, all the SEIU hearing officer did

⁸The SEIU hearing officer construed the Affiliation Agreement to reach a similar conclusion. He added that the history of the Affiliation Agreement would explain any possible inconsistency. This current agreement is the second negotiated Affiliation Agreement, as revised in December 1988. The 1988 revision added the language in Article 7, section 8 conferring authority to the international president to investigate a complaint regarding “the maintenance of democratic procedures.” It also added the language in Article 7, section 11, which allowed the international president, upon receipt of a complaint, to determine whether

in his report was to find the complaints to be legitimate and recommend postponing the suspensions. The SEIU hearing officer found, and the parties do not dispute, that the suspensions occurred before hearing and without a CSEA board of directors vote on each suspension. After investigation and hearing, the SEIU hearing officer concluded that the “summary suspensions of members prior to a hearing does (sic) not comport with democratic internal procedures and is not consistent with the CSEA bylaws.”

CSEA’s objections on this issue involve interpretation of legal documents and the rules of evidence. There is no issue of fact argued. Again, citing to Apple Valley, we therefore conclude that the Board’s reference to the SEIU hearing officer’s report does not constitute a prejudicial error of fact.

Fourth, CSEA argues that the Board’s sua sponte review of the ALJ’s reliance upon California State Employees Association (Hackett, et al.) (1993) PERB Decision No. 979-S (Hackett) constitutes a prejudicial error of fact. CSEA asserts that the Board’s citation to Mt. Diablo Unified School District (1984) PERB Decision No. 373b (Mt. Diablo) was inappropriate as that case is factually distinguishable from the instant matter. CSEA contends that since neither party excepted to or argued these issues, it had no notice that the Board wanted to “revisit” Hackett. If it had received such notice, CSEA contends that it could have clarified various “factual” errors, such as the Board’s inappropriate reference to the SEIU hearing officer’s report.⁹

internal dispute procedures have been followed. According to the SEIU hearing officer, the international did not possess such authority in the original Affiliation Agreement.

⁹CSEA states that Landingham agrees with its view that SEIU lacks authority to adjudicate disputes arising out of CSEA’s implementation of its internal disciplinary procedures. In his testimony, Landingham acknowledged SEIU’s inability “to do anything other than do an investigation and issue a report, which it would send to the Board of Directors

According to CSEA, the Board, instead, could have requested oral argument under PERB Regulation 32315¹⁰ for exceptions filed under PERB Regulation 32300, but did not. CSEA concludes therefore that due process requires reconsideration.

However, it is clear that Board precedent allows such “sua sponte” review. In Apple Valley, the Board held that a reversal of precedent by the Board does not constitute grounds for reconsideration.¹¹ The Board further held in Apple Valley that the Board is not constrained from applying legal analysis not urged by the parties, or from considering sua sponte legal issues not raised by the parties when necessary to correct a serious mistake of law, citing Mt. Diablo and Fresno Unified School District (1982) PERB Decision No. 208.

In addition, to avoid a “serious mistake of law,” the effect of which would derogate Landingham’s rights under the Dills Act, the Board properly distinguished this case from Hackett in finding that, unlike Hackett, there was no showing of immediate threat to the welfare of CSEA under CSEA Policy File section 1001.03. The argument that the Board’s sua sponte review creates a “prejudicial error of fact” is thereby strained at best. Under Apple

[of CSEA] for their possible action.” (RT, Vol. I, 18-20.) It appears that Landingham’s understanding of SEIU’s authority therefore corresponds with that of the Board, described above.

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¹¹In Apple Valley, the Board was interpreting a previous version of PERB Regulation 32410(a), which included “newly discovered law” that “was not previously available or could not have been discovered with the exercise of reasonable diligence” as grounds for granting

Valley and cases cited, the Board has appropriately exercised its authority to engage in sua sponte review of the application of Hackett to this matter.

We therefore conclude that CSEA has not shown the existence of extraordinary circumstances either by proving that the decision in Hard, et al. contained prejudicial errors of fact or by meeting any of the limited criteria found in PERB Regulation 32410(a). As a result, the Board denies CSEA's request for reconsideration.

ORDER

The California State Employees Association's request for reconsideration of the Board's decision in California State Employees Association (Hard, et al.) (2002) PERB Decision No. 1479-S is hereby DENIED.

Members Baker and Neima joined in this Decision.

reconsideration. The phrase "newly discovered law" has since been deleted from that regulation.

PERB Received
12/01/22 12:58 PM

PERB - EXHIBIT CA - Brian Nash

From: [Richard Brown](#)
To: [Brown, Richard](#)
Subject: Fw: A message from the Executive Committee
Date: Saturday, July 31, 2021 11:54:04 AM

Subject: A message from the Executive Committee

Reply-To: webmaster@seiu1000.org



As a new leadership team takes the reins of this union and works together to create a new way forward centered on our represented employees and their needs at the worksite, we want to take this time to remind all DLC Officers of some very important policy file items pertaining to engaging our represented employees and proper administration of DLC funds:

2.6.01 Provision of Lists

Upon request, a DLC President or BUNC Chair shall be provided a copy of the DLC's or Bargaining Unit's current member list. All membership names and addresses provided to DLCs or BUNCs shall be considered confidential and shall not be copied or distributed to DLC or Bargaining Unit members.

A DLC President or BUNC Chair should submit requests for membership information to reports@seiu1000.org. This information is confidential and should be used to organize worksites and should not be used for any other purpose other than Local 1000 approved policies and programs.

4.0.07 Filing of the DLC Vacancies

(d) A President of the DLC shall make an appointment from stewards within the DLC. Such appointment shall take effect immediately, upon written notification to the Vice President for Organizing/Representation, but must be ratified either by the next DLC Executive Board or membership meeting. The minutes shall be delivered to the Vice President for Organizing/Representation.

A DLC president may appoint a steward from their DLC to a vacant position at any time by contacting the Vice President of Organizing/Representation at awalls@seiu1000.org. Either a DLC Executive Board or membership meeting, whichever comes first, must ratify the new appointment(s). These minutes should be sent to the Vice President of Organizing/Representation at awalls@seiu1000.org.

10.1.02 Use of Local Representational Funds

- (a) Approved Uses.
- (b) Approved uses within limits.
- (c) Prohibited Uses.

All DLC Executive Officers are encouraged to review this section and to come up with ideas how to engage members in safe and creative ways. DLC Board may seek consultation from DLC Finance at dlcfinance@seiu1000.org. Please include Vice President / Secretary-Treasurer David Jimenez on the email at djimenez@seiu1000.org.

10.1.03 Maximum DLC Accumulation

A DLC that has an accumulation of an amount which equals six months of the DLC's allocation of dues or \$6,000, whichever is greater, shall receive no further allocation of dues until this amount is reduced below the limit.

All DLC officers, including new officers: Please request to review the DLC financial report sent out monthly to DLC Presidents and Treasurers or Secretary-Treasurers. If you see a warning at the top stating you are approaching your maximum accumulation amount, as a Board, make a plan to start spending down those DLC funds and engaging members within the DLC.

10.1.04 DLC Finance Reports

A copy of the annual budget for each DLC will be provided to the Vice President / Secretary-Treasurer each year by February 1 of that year. If an adopted DLC annual budget is not submitted, the monthly allocation of dues will be forfeited until the adopted budget is submitted. A 30 day extension may be granted by contacting the Local 1000 Vice President / Secretary-Treasurer prior to the due date.

All DLC officers, including new officers, should make sure their DLC has submitted its annual budget! Inquire first with your DLC president and Treasurer or Secretary-

Treasurer, and if further information or guidance is needed, contact DLC Finance at dlcfinance@seiu1000.org

Please include Vice President / Secretary-Treasurer David Jimenez on that email at djimenez@seiu1000.org

10.01.05 Forfeiture of DLC Dues and Fees Allocations

In the even a DLC fails to submit its annual budget by no later than January 31 of the current budget year or fails to meet the funding limit described above, its monthly allocation of dues will be forfeited until the DLC is within the limit or complies by submitting its annual budget. The forfeited money is allocated to the Grants Fund. A 30 day extension may be granted by contacting the Vice President / Secretary-Treasurer before the due date.

All DLC officers, including new officers, if upon review of the monthly DLC financial report find there has been forfeited dues are encouraged to discuss an immediate spending plan including member engagement, to prevent further forfeiture. A DLC President and/or Treasurer or Secretary-Treasurer may submit a request for waiver of forfeiture to the Vice President / Secretary-Treasurer for the current month along with a spending plan that shows anticipated activities that will reduce the fund balance below the limit. Each request will be reviewed and approved or denied based on the specifics of each DLC. For more information contact DLC Finance at dlcfinance@seiu1000.org Please include Vice President / Secretary-Treasurer David Jimenez on that email at djimenez@seiu1000.org

10.1.07 District Labor Council Requests for Grants

DLCs may seek grants from the Local 1000 Grants Funds for duties and responsibilities pertaining to DLC activates required by the Local 1000 Policy File.

All DLC officers, including new officers, are encouraged to read this entire section of the Policy File. There are more instructions on how to request a grant. DLC Executive Boards should engage in discussions and determine how to best serve the needs of the membership within each DLC. If plans exceed available DLC funds, consider requesting a grant from the Grants Committee.

As we embark on a new chapter for Local 1000, we are encouraging active engagement by the DLC Executive Boards and represented employees at the worksites with a renewed purpose of strengthening our Union from the bottom up. This may not be easy, especially in a pandemic environment, but one thing is for sure, Local 1000 has among its ranks the best of the best of civil servants, and when called upon, we will not falter. We know when all feel heard and their input valued - doesn't always mean we agree - we will better serve our represented employees and gain membership which transfers into power at the bargaining table.

In Solidarity,

Richard Louis Brown President
SEIU Local 1000

David Jimenez
Vice President / Secretary-Treasurer

BERB Received
12/01/22 12:58 PM

SEIU Local 1000

Anica Walls
Vice President for Organizing/Representation
SEIU Local 1000

Tony Owens
Vice President for Bargaining
SEIU Local 1000

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*SEIU Local 1000
1808 14th Street
Sacramento , CA 95811
United States*

If you believe you received this message in error or wish to no longer receive email from us, please [unsubscribe](#).



From: [Communications](#)
To: [Communications](#)
Subject: To all SEIU Local 1000 DLC Officers
Date: Friday, July 30, 2021 7:42:51 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)



To all SEIU Local 1000 DLC Officers:

An email went out earlier today from the Executive Committee containing information that was erroneous. This incorrect information covered the following policy file items:

- 2.6.01 Provision of Lists
- 4.0.07 Filling of the DLC Vacancies
- 10.1.02 Use of Local Representational Funds
- 10.1.03 Maximum DLC Accumulation
- 10.1.04 DLC Finance Reports
- 10.01.05 Forfeiture of DLC Dues and Fees Allocations
- 10.1.07 District Labor Council Requests for Grants

This email was released without the consent of SEIU Local 1000 President Richard Louis Brown and Vice President for Bargaining Tony Owens. It was entirely my error and I apologize for any confusion or mistrust this might have caused.

Moving forward, all email communications will be reviewed by President Brown before they are released. And any requests for membership lists will currently be denied until further notice.

Thank you for your understanding.

Brian Nash
Communications Director
SEIU Local 1000
1808 14th Street
Sacramento, CA 95811
bnash@seiu1000.org
312.968.1068

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SEIU Local 1000

BERB Received
12/01/22 12:58 PM

1808 14th Street
Sacramento , CA 95811
United States



From: [Ronald Rosson](#)
To: [Brown, Richard](#); [Richard Brown](#)
Subject: Brian Nash
Date: Sunday, November 21, 2021 9:53:23 PM

Richard,

This is to recap meeting I requested because of failures of the communications department.

We were not able to get the September JLMC out in a timely fashion because Brian Nash was slow to respond to our emails and when he did he complicated and delayed the process. He put the onus on my admin Asst (Kathryn Sagastume-Marston HFEN) to make links for the docs that was already in his possession And clickable links.

He also put out the initial essential petition with a misspelled email. It had “.orgs” instead of “.org” and therefore the survey was delayed it caused mayhem.

There are two surveys I sent to President Brown and Giese. I asked them if the surveys had been vetted through SEIU. Giese responded no but she will confer with communications.

It is my belief these acts were not organic and were deliberate as some sabotage attempt.

LOCAL 1000

SEIU
Stronger Together

RICHARD
LOUIS BROWN
President

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/ Representation

IRENE GREEN
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

1808 14th Street
Sacramento, CA 95811

866.471.SEIU/7348)
www.seiu1000.org

Brian Nash
Director, Communications
SEIU Local 1000

LETTER OF CORRECTIVE COUNSELING

Brian,

On numerous occasions you have been advised that President Richard Louis Brown insists he needs to be informed of any and all contacts with/from Bill Hall, DLC 744 President with any Local 1000 staff, including yourself.

On January 10, 2022 you and I met in my office and I asked you, directly, if you have had any direct contact with Bill Hall, DLC 744 President.

During our conversation you admitted that Bill Hall had sent an email in October requesting that Communications post a message regarding the unrecognized "Board of Directors" meeting on October 18 and 19, 2021. You stated that you did not respond to the email, however you did not inform President Brown of this email.

Furthermore, you told me that you received a call on your cell phone later that week referencing the email while you were on your way home from Mexico. You stated that you told Mr. Hall that you (communications) could not honor his request.

After this phone call and conversation, you neglected to inform President Richard Louis Brown of the call.

On December 15 you received notice of a second email from Mr. Hall regarding the departure of our Chief Financial Officer. Again you advised Mr. Hall that you could not honor the request but neglected to notify President Brown of the contact.

Because of this lapse in your responsibility as a Director, I am issuing this letter of corrective counseling to be placed into your personnel file for a period of 1 year. Any further failures to notify President Brown, or myself of any contact with any DLC President or Board Member regarding the submission for dispersal of information will result in further adverse action.

Chief of Staff
Local 1000

f-W

Brian Nash
Director of
Communications

Attachments

On October 25, 2021, Bill Hall email ed the following to Cyd Evans:

From: chair.seiu000 <chair.seiu1000@gmail.com>
Sent: Monday, October 25, 2021 3:30 PM
To: Evans, Cyd <CEvans@SEIU000.org>
Subject: Please post to website and email to ALL Members

Good Afternoon Cyd,

Please post the attached Open Letter to the Board and Membership, to the Local 1000 web page and email to all Memebers.

Thank You

William Hall, Chairperson SEIU Local 1000
President DLC 744

The content of the "Open Lett er" is att ached . I did not respond to Mr. Hall. Lat er.t hat week I left on a short vacat ion to M exico, as I was awaiting my flight home on Sunday, October 31, . 2021, Mr. Hall called me directly. I t old Mr. Hall that I cou ld not do what he was ask in g.

_On Decembe r 15, 2021, Mr. Hall sent Cyd the following message:

Hi Cyd,

Is it possible to get this message out to the Board?

Thank You, Bill Hall

Local 1000 Board of Directors,

Today Denye Versher our Chief Financial Officer submitted his resignation. As I understand the cause for his resignation, his concern for the finances of local 1000 and the conditions he experienced working under our President Richard Louis Brown, lead to Denye's resignation today. The resignation of our Chief Financial Officer should be of concern to every board member.

As Board members of our union SEIU Local 1000 we have a responsibility to the corporation and the members we represent to ensure responsible, legal and ethical financial conduct in our union. The Board has been limited in its ability to meet its financial obligations under President Richard Louis Brown.

I understand Denye wrote a substantial resignation letter. Perhaps President Richard Louis Brown will share the resignation letter in its entirety with the board.

I am concerned and saddened that we have lost another Local 1000 staff member. I think our staff deserves more from us as board members.

I want to thank Denye for the work he did for SEIU Local 1000 and offer my support as he seeks new employment.

William (Bill) Hall, Chair of the Board, SEIU Local 1000
President DLC 744

Cyd said, "I'll ask Brian right away."

My response to Mr. Hall was that "We cannot put this out."

That was the extent of my correspondence with Mr. Hall.

In both instances, I felt I took the steps needed to protect President Brown and SEIU Local 1000, and quickly thereafter moved on to handle my daily responsibilities and correspondence. I realize my error in not reporting these incidents immediately to President Brown, and it will not happen again.

Brian Nash
1.10.22

On October 16th and 17th 2021, a lawful and proper meeting of the SEIU Local 1000 Board of Directors was called under the California Corporate Code Section 5510 (e), California Corporate Code Section 5511 (c) and SEIU Local 1000 Policy File 3.2.00 (b).

As was prescribed, The President of SEIU Local 1000 was notified 3 times and all requirements were met. President Richard Brown refused to hold the meeting. Upon advice of Legal Counsel, the Board of Directors felt it was time and legally prescribed, to meet and execute their sworn duties on behalf of the members.

The meeting was a typical open session of the Board of Directors. **It was not held in secret.** Unlike Mr. Brown, the Board did not feel comfortable having the press in the meeting or to live stream this meeting. However, we had a court reporter who recorded both days, word for word and those transcripts will be available shortly.

On our own time and on our own dime the Board of Directors engaged a Parliamentarian and a Court Reporter and met to discuss concerns regarding the unprecedented threat to our Union that IS Richard Louis Brown.

Over 34 Board members, including Vice President of Bargaining, Irene Green met on Saturday and Sunday to discuss creating the needed changes to the By Laws and Policy File and set up the Standing Committees of the Board.

The Board Members made the following changes based on the majority vote of the Board members present:

- Agenda Item 1; Amend the By-Laws and Policy File. This was a pass/fail vote presented to the meeting participants and was passed using long standing policy file practices with the majority vote by the quorum of those attending.
 - o Redirects responsibility of the President **to the Board of Directors**
 - o Create 2 Standing Committees of the Board (Litigation, Standing Committee of the Board)
 - o Elect a Chair of the Board
 - o The Board remaining in Session, is in recess until a future date determined by the Board
- Establishment of a standing committee for Litigation. This committee is tasked with reviewing and recommending actions needed by SEIU Local 1000 to protect its members in legal actions taken against SEIU Local 1000. The committee is composed of 5 Board members:

- o Kevin Healy, DLC President (DLC 752)
 - o Karen-Jefferies, Beginning Unit Chair, Unit 4
 - o Steven Alari, DLC President, (DLC 723)
 - o Francina Stevenson, DLC President, (DLC 794)
 - o Terence Hibbard, Beginning Unit Chair, Unit 3
- Establish the position of Chair of the Board of Directors to serve at the pleasure of the Board. The following Board members were nominated for this position:
 - o Steven Alari, DLC President (DLC 723)
 - o Irene Green, Vice President of Bargaining
 - o Richard Louis Brown, President SEIU Local 1000
 - o William Hall, DLC President (DLC **744**)

Mr. Brown refused to call or attend the meeting and therefore could not accept the nomination. That is all on him. William Hall was elected by a majority vote over Irene Green. Mr. Steven Alari dropped out.

The above changes voted on by the majority of the Board, does not remove Mr. Brown from his elected office. And as everyone has seen over the last week after the Board meeting, Mr. Brown refuses to acknowledge the Board's Policy File and By Law Changes. At the same time, our Standing Committee removes Mr. Brown's ability to call or to refuse to call a Board of Director's Meeting.

Our legal counsel, the Standing Committee, the Board and Mr. Hall are currently looking at next steps. Please understand and be patient as we try to right this ship that is SEIU Local 1000.

In Solidarity,

William R. Hall,
Chairperson
SEIU Local 1000
President DLC 744

BERB Received
12/01/22 12:58 PM

From: [Brown, Richard](#)
To: [Nash, Brian](#)
Cc: [Richard Brown](#)
Subject: RE: Local 1000 Listens to You
Date: Thursday, February 24, 2022 11:12:00 AM

Brian,

Thank you for this email!

Richard 7437

From: Nash, Brian <BNash@SEIU1000.org>
Sent: Thursday, February 24, 2022 8:55 AM
To: Brown, Richard <RLBrown@SEIU1000.org>; Richard Brown <richard.brown7437@yahoo.com>
Subject: Local 1000 Listens to You

Boss –

I posted your Local 1000 Listens to You PPT last night when I got home. I am working on the CalHR letter now.

Couple points I want to clarify:

1. I was in the wrong last night and I owe you an apology. I should have said it to your face, but I was still up in my feelings.
2. My colleague Jim O'Donnell did not participate in the UAW protests. He has shown up and worked every day this week.

Brian Nash
Director of Communications
SEIU Local 1000
1808 14th Street
Sacramento, CA 95811
cell: 312.968.1068

EXHIBIT D

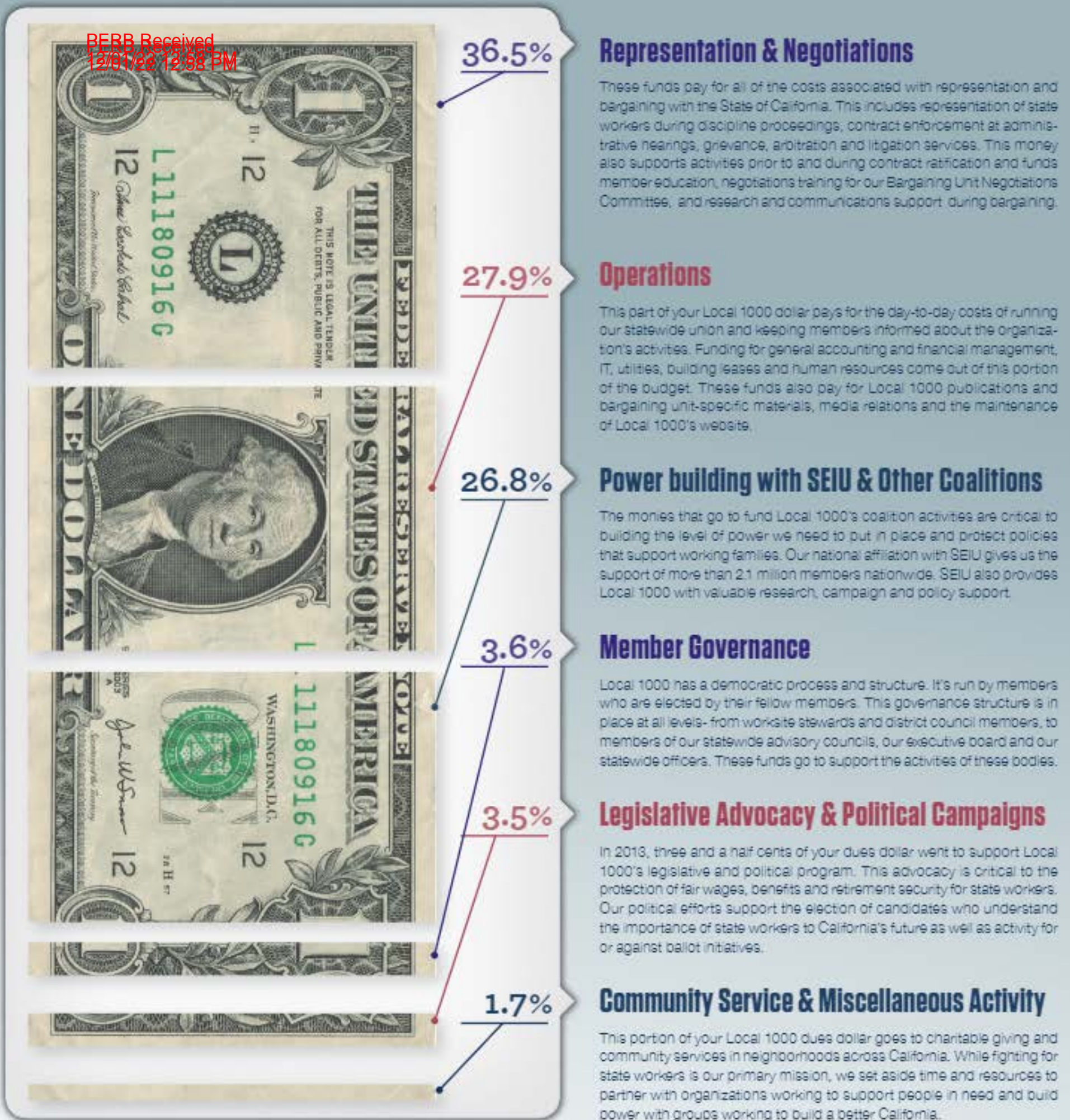
2013, 2014 & 2017 Dues Dollar Breakdown

How your dues dollar works for you



SEIU Local 1000 monthly dues support **everything our union does.**

From the negotiation and enforcement of our contract, to political and legislative work, legal action, research, and communications—your dues are spent solely on union efforts and actions.



How Your Dues Dollar Works For You

Representation & Negotiations

A little over 36 percent of your dues dollar goes to pay for all of the associated costs of representation, contract enforcement and bargaining with the State of California. These resources cover disciplinary proceedings, contract enforcement, grievance, arbitration and litigation services. This money also supports activities prior to and during contract ratification and funds member education, negotiations training for our Bargaining Unit Negotiating Committee, and research and communications support during bargaining.

36.5%

Operations

This part of your Local 1000 dues goes directly towards running our statewide union and keeping members informed about the organization's activities on a day-to-day basis. Funding for IT, utilities, accounting and fiscal services, building leases and human resources comes out of this portion of the budget. Local 1000 publications and bargaining unit-specific materials, media relations and the maintenance of Local 1000's website are also paid for with these dollars.

27.9%

Power Building with SEIU & Other Coalitions

Local 1000's coalition activities are critical to building the level of power we need to put in place and protect policies that support working families. This portion of our budget funds all of the costs related to our participation in national and statewide campaigns that involve SEIU International, other SEIU locals, and other community based partners. Our national affiliation with SEIU gives us the support of more than 2.1 million members nationwide. SEIU also provides Local 1000 with valuable research, campaign and policy support.

26.8%

SEIU Local 1000
monthly dues support

everything our union does

Community Service & Miscellaneous Activity

Fighting for state workers is our primary mission. This fight includes contributing to the communities where state workers live and making them better places. Almost two percent of your dues dollar goes to charitable giving and community services in neighborhoods across California. We also set aside time and resources to partner with organizations working to support people in need and build power with groups working to build a better California.

1.7%

Member Governance

Local 1000 is run by members who are elected by their fellow members. This democratic governance structure is in place at all levels- from worksite stewards and district council members, to members of our statewide advisory councils, our executive board and our statewide officers. These funds go to support the activities of these bodies.

3.6%

Legislative Advocacy & Political Campaigns

In 2013, three and a half percent of your dues dollar went to support Local 1000's legislative and political program. This advocacy is critical to the protection of fair wages, benefits and retirement security for state workers. Our political efforts support the election of candidates who understand the importance of state workers and their families to California's future as well as activity for or against ballot initiatives.

3.5%

BERB Received
12/01/22 12:58 PM

WORKS FOR You



Representation & Negotiations

A little over 29 percent of your dues dollar goes to pay for all of the associated costs of representation, contract enforcement and bargaining with the State of California. These resources cover discipline proceedings, contract enforcement at administrative hearings, and grievance, arbitration and litigation services. This money also supports activities prior to and during contract ratification and funds member education, negotiations training for our Bargaining Unit Negotiating Committee, and research and communications support during bargaining.

Operations

This part of your Local 1000 dues goes directly towards running our statewide union and keeping members informed about the organization's activities on a day-to-day basis. Funding for IT, utilities, accounting and fiscal services, building leases and human resources comes out of this portion of the budget. Local 1000 publications and bargaining unit-specific materials, media relations and the maintenance of Local 1000's website are also paid for with these dollars.

Power Building with SEIU & Other Coalitions

Local 1000's coalition activities are critical to building the level of power we need to put in place and protect policies that support working families. This portion of our budget funds all of the costs related to our participation in national and statewide campaigns that involve SEIU International, other SEIU locals, and other community based partners. Our national affiliation with SEIU gives us the support of more than 2 million members nationwide. SEIU also provides Local 1000 with valuable research, campaign and policy support.

29.2%

27.5%

30.7%

SEIU Local 1000
monthly dues support

everything our union does

Community Service & Miscellaneous Activity

Fighting for state workers is our primary mission. This fight includes contributing to the communities where state workers live and making them better places. Almost three percent of your dues dollar goes to charitable giving and community services in neighborhoods across California. We also set aside time and resources to partner with organizations working to support people in need and build power with groups working to build a better California.

Member Governance

Local 1000 is run by members who are elected by their fellow members. This democratic governance structure is in place at all levels- from worksite stewards and district council members to members of our statewide advisory councils, our executive board and our statewide officers. These funds go to support the activities of these bodies.

Legislative Advocacy & Political Campaigns

In 2014, eight and a half percent of your dues dollar went to support Local 1000's legislative and political program. This advocacy is critical to the protection of fair wages, benefits and retirement security for state workers. Our political efforts support the election of candidates who understand the importance of state workers and their families to California's future as well as activity for or against ballot initiatives.

2.7%

1. %

8.5%

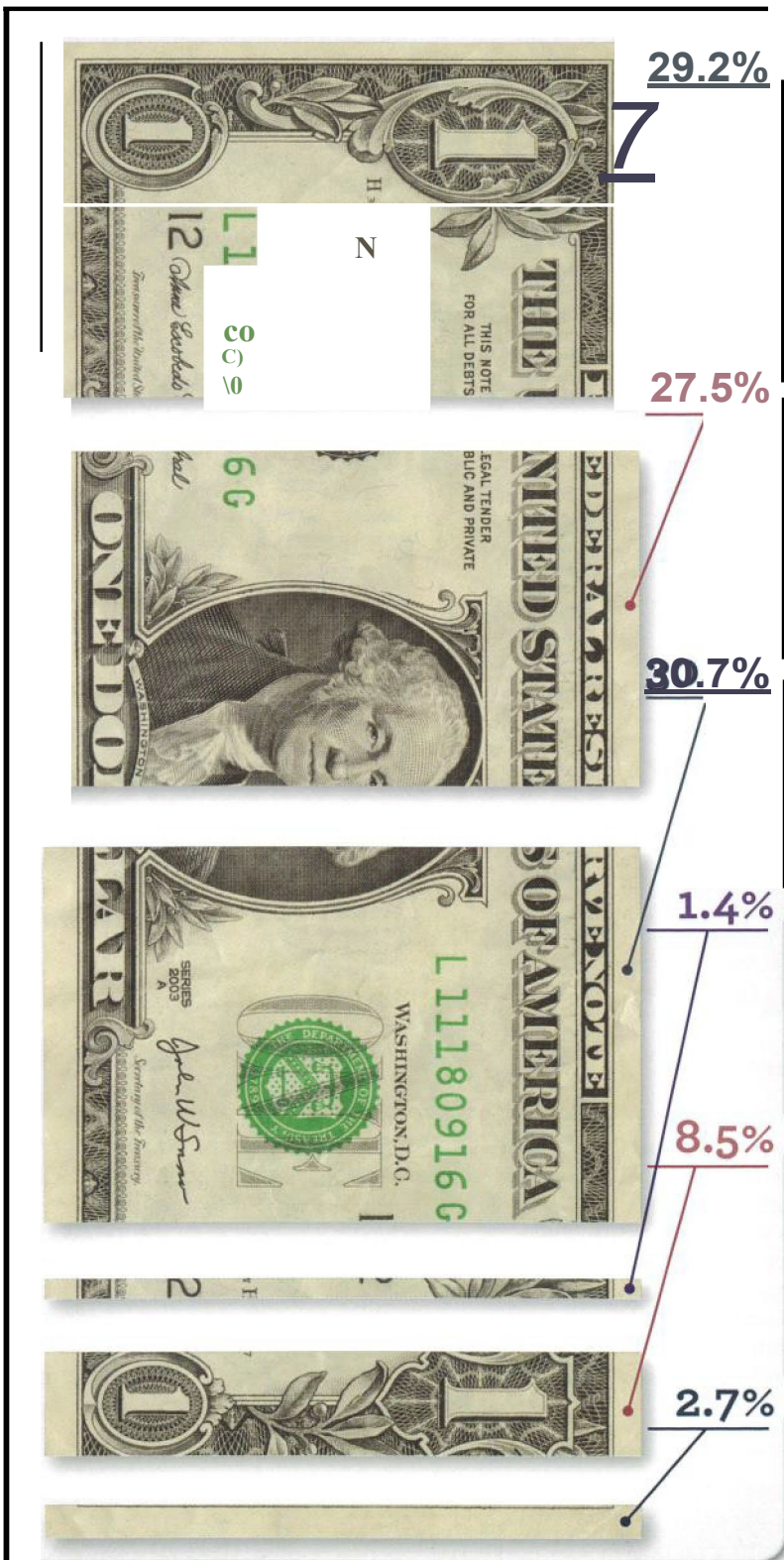
PERB Received
12/01/23 12:58 PM

How your dues dollar works for you



SEIU Local 1000 monthly dues support **everything our union does.**

From the negotiation and enforcement of our contract, to political and legislative work, legal action, research, and communications- your dues are spent solely on union efforts and actions.



Representation & Negotiations

These funds pay for all of the costs associated with representation and bargaining with the State of California. This includes representation of state workers during discipline proceedings, contract enforcement at administrative hearings, grievance arbitration and litigation services. This money also supports activities prior to and during contract ratification and funds member education, negotiations training for our Bargaining Unit Negotiations Committee, and research and communications support during bargaining.

Operations

This part of your Local 1000 dollar pays for the day-to-day costs of running our statewide union and keeping members informed about the organization's activities. Funding for general accounting and financial management, IT, utilities, building leases and human resources come out of this portion of the budget. These funds also pay for Local 1000 publications and bargaining unit-specific materials, media relations and the maintenance of Local 1000's website.

Power building with SEID & Other Coalitions

The monies that go to fund Local 1000's coalition activities are critical to building the level of power we need to put in place and protect policies that support working families. Our national affiliation with SEIU gives us the support of more than 2 million members nationwide. SBU also provides Local 1000 with valuable research, campaign and policy support.

Member Governance

Local 1000 has a democratic process and structure. It's run by members who are elected by their fellow members. This governance structure is in place at all levels- from worksite stewards and district council members, to members of our statewide advisory councils, our executive board and our statewide officers. These funds go to support the activities of these bodies.

Legislative Advocacy & Political Campaigns

In 2014, eight and a half cents of your dues dollar went to support Local 1000's legislative and political program. This advocacy is critical to the protection of fair wages, benefits and retirement security for state workers. Our political efforts support the election of candidates who understand the importance of state workers to California's future as well as activity for or against ballot initiatives.

Community Service & Miscellaneous Activity

This portion of your Local 1000 dues dollar goes to charitable giving and community services in neighborhoods across California. While fighting for state workers is our primary mission, we set aside time and resources to partner with organizations working to support people in need and build power with groups working to build a better California.

MEMBER DUES ATWORK

Representation & Negotiations

34.1¢

Operations

27.5¢

Member Governance

1.6¢



Building Power with SEIU & Other Coalitions

Legislative Advocacy

Community Service
& Miscellaneous
Activity

**Based upon actual expenditures, 2017*

EXHIBIT E-Theresa Taylor's racist, homophobic & sexist statements

EXHIBIT E-Theresa Taylor's racist, homophobic and sexist statements-page 1.

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			2021-08-	
42017	19169150766	19167064967	10T22:26:16.650Z	
			2021-08-	
42017	19169150766	19167064967	10T22:29:52.935Z	
			2021-08-	
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			2021-08-	
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42017		19167064967	10T23:06:51.933Z	
			2021-08-	
42017	19169150766	19167064967	10T23:08:03.763Z	

EXHIBIT E-Theresa Taylor's racist, homophobic and sexist statements-page 2.

Hello Theresa, this is Alex from SEIU Local 1000, your union. For reference your member ID is 397XXX.
We are reaching out to you today to let you know about a rally being held on August 27 at the capitol to protest closing of the California Correctional Center in Lassen County and to stand up for our Union Rights. Are you interested in attending this protest? - RplyStopToOptOut of all Local 1000 communications on this phone number

Absolutely not and how dare this Union president use Union dues for a rally that is political AND pay Union Leave for a rally. He has not done his job and met and conferred with the state.

DLC. 786 says RLB can suck a dick

Can we quote you on that to your membership?? I'm sure they'd be embarrassed by that comment. Hundreds of people and families will be affected by the closing of the California Correctional Center in Lassen County. We need to stand in solidarity with our Union brothers and sisters.

Sure; and that's 245 of our members and if he keeps this up he may force the state to chose a facility with many more of our members: High Desert has many more people working there. My members care about what's going on at their worksite. Tell RLB to bargain with the state over the closure like he's supposed to. And quit showboating. And who are you? I assume you're a member and not staff? If you are staff you should keep your opinions to yourself

Alex Hernández?

Right?

I know who you are!

Union busting idiot

Very classy!!

Stripped of union membership, weren't you? Who's classless? Destroying a whole union

PEBB Received
12/01/22 12:58 PM

EXHIBIT A - AnnaMarie 's racist, homophobic & sexist statments

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19164963909	19167066289	DELIVERED	2021-08-10T23:11:54.233Z

text

Hello Anna, this is Alex from SEIU Local 1000, your union. For reference your member ID is 1510341. We are reaching out to you today to let you know about a rally being held on August 27 at the capitol to protest closing of the California Correctional Center in Lassen County and to stand up for our Union Rights. Are you interested in attending this protest? - RplyStopToOptOut of all Local 1000 communications on this phone number

No and fuck RLB

What about bargaining for our contract?

What about not using his platform to solicit a wife?

What about the ballot initiative that is going to stop public sector workers off the right to be in a union at all?

What's he doing about that?

Tell your team DLC 786 says RLB can eat a dick

Hundreds of people and families will be affected by the closing of the California Correctional Center in Lassen County. We need to stand in solidarity with our Union brothers and sisters. Great! We look forward to seeing you there. We are also offering Union Leave to Stewards who want to attend this rally. Please click on this link <https://search.seiu1000.org/ssrsvp.php> to RSVP for the protest by tomorrow in order to process your Union Leave. I'll see you on the 27th.

Eat. A. Dick.

Hey Alex, as President, you can quote my whole damn DLC.

DLC 786 says RLB needs to fuck off

Stop texting my stewards over 250 positions we could have bargained to protect

There are 90k jobs in the balance the next contract

Quote us on when our bargaining team gets back to working on that

Spoke Message:

This message contained 1 multimedia attachment(s) which Spoke does not display.

Find yourself a real cause. This ain't it

Ooo! I got one

How about he stops using member dues to pay salary to a VP who lost and is under investigation

Or use member dues to rent a car indefinitely that he doesn't need?

Or to give his chief of staff an unprecedented severance?

Or to pay you union leave?

Maybe

Just maybe

You can eat a fucking dick?

Hey Hernandez

I'm sending an email to the whole DLC tomorrow informing them of what's going on

I've been telling members and non members of the corruption

Stateworkers are scared of losing their benefits

They don't care about you or him or your cause

They care about their pay and their benefits

And once they see it's at risk because of you

Byeeeeeee

ðŸ’‹ðŸ’‹ðŸ’‹

PERB Received
12/01/22 12:58 PM

EXHIBIT G-"outgoing president" email



Telework Bargaining Resumes April 27 Under New Leadership

Our new leadership has been working since March 7 to get back to the table on telework after outgoing President Richard Louis Brown failed to listen to members and reach an agreement. We've been able to re-start the process and are returning to bargaining with the state on April 27.

"Negotiating telework is our top priority right now," said SEIU Local 1000 Board Chair Bill Hall. "COVID cases continue to rise while management turns a blind eye to these concerns. The State reaps a large savings by having people telework because teleworking saves money, as Local 1000 showed in our Cost Savings Task Force back in 2020 when the pandemic started."

Our telework bargaining was stymied by proposals and counter-proposals focused on a stipend and how it would be calculated and disbursed. This approach deadlocked our negotiations, but as the overwhelming majority of our represented employees have said, our primary concern should be the ability for workers to safely and comfortably do their jobs without interference from management or being subject to arbitrary return-to-office dictates. We intend to build on the existing side letters from Units 2, 7, 9, 10, 12, and 13 ([which you can view here](#)) to bring a comprehensive plan to the State.

"One of the things driving our negotiation around telework—and this is not often mentioned by the State—is that returning to the office immediately imposes an increase in expenses. Over the last 2 years most people have rolled that cost into their cost of living and are using that money to live on," added Hall.

"We are in a unique position to protect telework for employees in our coming contract. However, a culture of control and a focus on the State's power over employees has distracted management from the benefits of telework. We will not back down from their opposition. We see no reasonable reason for the State to oppose telework."

If you are experiencing pressure from management to return to the office, or reach out to our Member Resource Center (MRC) at 866.471.SEIU (7348) or get in touch with your [DLC leadership on our website](#) to make them aware of what's happening in your workplace.

To win comprehensive telework, represented employees are encouraged to reach out to Irene Green, our Vice President for Bargaining at IGreen@SEIU1000.org to talk about getting involved in your workplace and to amplify the call for telework at the negotiating table.

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1808 14th Street, Sacramento , CA 95811, United States

If you believe you received this message in error or wish to no longer receive email from us, please [unsubscribe](#).



PERB Received
12/01/22 12:58 PM

PERB-Exhibit GA-5 Requests to Local 1000 for IN-PERSON Board Meetings & Financial Documents

To:jd.sandoval@live.com,moneyrodriguez@hotmail.com,rnavarrete23@yahoo.com,nancymartinez_6@hotmail.com,whitemamba.ev@gmail.com,ndavissey1000@aol.com,carolesey1000@gmail.com,Kjefferies08@gmail.com,ssa_dave04@hotmail.com,healykm@hotmail.com,yspyg14@gmail.com,Nicolesolvskoy@yahoo.com,mdlc056@gmail.com,MVartanian@sey1000.org,MSMRoy1976@gmail.com,mistyd elrosario3@hotmail.com,exctme@aol.com,delonnelj@gmail.com,trico60@hotmail.com,Davidrjohnson055@gmail.com,president.dlc788@gmail.com,ibarraruth@gmail.com,christinadlc751@gmail.com,CullenKral@gmail.com,ruthkiker@charter.net,dlc789pres@outlook.com,bigdtiggerds69@yahoo.com,musembi.rn@gmail.com,billhall95688@gmail.com,mariablaine39@gmail.com,cmsallen768@gmail.com,rise withlabor@gmail.com,thetay456@gmail.com,robertvega2013@gmail.com,MEMBERSFIRST@gmail.com,seyjack.dean@gmail.com,lat_jin@hotmail.com,van.nguyen_sey.local1000@outlook.com,angeliquems@aol.com,DLC764@outlook.com,cindydoyelunion@gmail.com,JEROME_WASH@sbcglobal.net,kcvwmom@yahoo.com,roncina@frontiernet.net,his_story1865@yahoo.com,rgilbert.sey1000@gmail.com,eric_murray03@msn.com,Irene Green,Andrew Vasicek,Anica Walls,Brad WillisHide
Cc:Anne Giese

Fri, Aug 12 at 9:01 PM

Good evening Board of Directors,

This email has several purposes in addition to my response to the Local 1000's email shown below that was sent to us this afternoon at 3:38 p.m.

1. I have asked on 4 prior occasions (June 7th, June 9th, June 10th and July 3rd of this year-see attached pdf) for copies of ALL financial records from February 27, 2022 through June 7, 2022 and these numerous requests have not been addressed nor answered. As a member of the Board of Directors, I am entitled to copies of all financial records. I am therefore requesting to inspect and make copies of all financial and accounting books and records that detail all Local 1000 spending for my requested time period. I am making this request pursuant to California Corporations Code Section 8333 for all financial information within a reasonable time not to exceed 14 days. I did NOT deny DLC 786 President, Theresa Taylor, her request in the fall of 2021 so I don't understand other than for my race that I am being denied my ability to participate in Local 1000 as an elected leader to serve our represented employees.

2. This legal request is my fifth request as a Local 1000 Board member and it appears that Local 1000 is retaliating against me while informing membership that I am the "outgoing" president while my HR1 and lawsuit matters are still not resolved. I am also asking for the fifth time for all future Board meetings have an option to attend in

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12/01/22 12:58 PM

person for Board members who want to attend in person. Denying Local 1000 Board of Directors the right to attend (in person or remotely) is simply just wrong and unjust while providing members with absolutely no transparency since there is no meeting notes or roll call votes for review. This denial will invalidate all actions taken at the meeting, even if a quorum of other directors would be present. Signal Oil & Gas Co. v. Ashland Oil & Ref. Co., 49 Cal.2d 764, 782, 322 P.2d 1, 12 (1958). This will inflict irreparable injury on Local 1000's image to membership by preventing valid board action on pressing matters and will require Local 1000 to convene a new board meeting for violating California Corporations Codes whether intentional or not! This will denial of my requests will not help build membership but only continue to encourage members to cancel their memberships.

3. I have also requested to be fully indemnified as required by law since I have acted in good faith while performing my duties as the Local 1000 President. Local 1000 and/or SEIU International should fully indemnify me pursuant to California Corporations Code § 5238. Under Corp. Code § 5238, a nonprofit corporation has the power to indemnify an agent of the corporation who is or may become a party to certain civil or criminal proceedings, against expenses, judgment, fines, settlements, and other amounts actually and reasonably incurred in connection with the proceedings. At the past illegal Board meeting, the Board voted to pay Board member, DLC 744 President, William Hall's attorney fees for Chris Katenzbach in excess of \$42,000 with no stipulations for Mr. Hall's lawsuit against me, Local 1000, and SEIU International. **The Board voted in this illegal meeting to pay the costs of an attorney that is suing our Union with our members' own money. I wonder if the Board will indemnify itself since the Board agreed to pay Mr. Hall's attorney to sue Local 1000.**

4. The email sent today regarding the HR1s filed against DLC 744 President, William Hall, along with the 3 Statewide Presidents, Irene Green, David Jimenez, and Anica Walls doesn't require a special closed door meeting nor does it meet the Local 1000 Policy File letter of the law regarding holding a BOD meeting for HR1s being filed against a member.

Please respond to this email by no later than by 4:00 p.m. on August 17, 2022, with my financial and in-person Board meeting requests.

Thanks,
Richard Louis Brown
Local 1000 Board member
Inspire the Impossible 7437
408-207-2339

BERB Received
12/01/22 12:58 PM

From: Richard Brown <richard.brown7437@yahoo.com>
To: jd.sandoval@live.com <jd.sandoval@live.com>; moneyrodriguez@hotmail.com <moneyrodriguez@hotmail.com>; rnavarrete23@yahoo.com <rnavarrete23@yahoo.com>; nancymartinez_6@hotmail.com <nancymartinez_6@hotmail.com>; whitemamba.ev@gmail.com <whitemamba.ev@gmail.com>; ndavisseiul000@aol.com <ndavisseiul000@aol.com>; caroleseiul000@gmail.com <caroleseiul000@gmail.com>; Kjefferies08@gmail.com <kjefferies08@gmail.com>; ssa_dave04@hotmail.com <ssa_dave04@hotmail.com>; healykm@hotmail.com <healykm@hotmail.com>; yspyg14@gmail.com <yspyg14@gmail.com>; Nicolesolovskoy@yahoo.com <nicolesolovskoy@yahoo.com>; mdlc056@gmail.com <mdl056@gmail.com>; MVartanian@seiul000.org <mvtartanian@seiul000.org>; MSMRoy1976@gmail.com <msmroy1976@gmail.com>; mistydelrosario3@hotmail.com <mistydelrosario3@hotmail.com>; exctme@aol.com <exctme@aol.com>; delonnelj@gmail.com <delonnelj@gmail.com>; trico60@hotmail.com <trico60@hotmail.com>; Brad Willis <bwillis@seiul000.org>; Davidrjohnson055@gmail.com <davidrjohnson055@gmail.com>; president.dlc788@gmail.com <president.dlc788@gmail.com>; ibarraruth@gmail.com <ibarraruth@gmail.com>; christinadlc751@gmail.com <christinadlc751@gmail.com>; CullenKral@gmail.com <cullenkral@gmail.com>; ruthkiker@charter.net <ruthkiker@charter.net>; dlc789pres@outlook.com <dlc789pres@outlook.com>; Andrew Vasicek <andrewvasicek@gmail.com>; Susan Rodriguez <rodriguezsusan@hotmail.com>; bigdtiggerds69@yahoo.com <bigdtiggerds69@yahoo.com>; musembi.rn@gmail.com <musembi.rn@gmail.com>; Irene Greene <ireneseiul000@gmail.com>; billhall95688@gmail.com <billhall95688@gmail.com>; Vanessa Seastrong <vseastrongseiul000@gmail.com>; mariablaine39@gmail.com <mariablaine39@gmail.com>; cmsallen768@gmail.com <cmsallen768@gmail.com>; risewithlabor@gmail.com <risewithlabor@gmail.com>; thetay456@gmail.com <thetay456@gmail.com>; robertvega2013@gmail.com <robertvega2013@gmail.com>; MEMBERSFIRST@gmail.com <membersfirst@gmail.com>; seiujack.dean@gmail.com <seiujack.dean@gmail.com>; lat_jin@hotmail.com <lat_jin@hotmail.com>; van.nguyen_seiu.local1000@outlook.com <van.nguyen_seiu.local1000@outlook.com>; angeliquems@aol.com <angeliquems@aol.com>; DLC764@outlook.com <dlc764@outlook.com>; cindydoyleunion@gmail.com <cindydoyleunion@gmail.com>; JEROME_WASH@sbcglobal.net <jerome_wash@sbcglobal.net>; kcvwmom@yahoo.com <kcvwmom@yahoo.com>; roncina@frontiernet.net <roncina@frontiernet.net>; his_story1865@yahoo.com <his_story1865@yahoo.com>; Anica Walls <awalls@seiul000.org>; rgilbert.seiul000@gmail.com <rgilbert.seiul000@gmail.com>; eric_murray03@msn.com <eric_murray03@msn.com>; Richard Brown <richard.brown7437@yahoo.com>
Cc: Anne Giese <agiese@seiul000.org>; info@kkcounsel.com <info@kkcounsel.com>; ckatzenbach@kkcounsel.com <ckatzenbach@kkcounsel.com>
Sent: Sunday, July 3, 2022, 11:55:01 AM PDT
Subject: Re: 3rd and Final Request-Courtesy email regarding the June 11-13, 2022 BOD meeting

Local 1000 Board Requests

July 3, 2022,

Good morning Local 1000 Board of Directors and Happy 4th of July weekend,

Please confirm receipt of this email.

Please see below my 3 prior requests regarding the recent Board meeting that was held by “zoom only” on June 11-13, 2022, in regards to attendance options for attending this Board meeting such as a “in person” option. This in person request was never answered.

Denying Local 1000 Board of Directors the right to attend (in person or remotely) is simply just wrong and unjust. This denial will invalidate all actions taken at the meeting, even if a quorum of other directors would be

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present. *Signal Oil & Gas Co. v. Shland Oil & Ref. Co.*, 49 Cal.2d 764, 782, 322 P.2d 1, 12 (1958). This will inflict irreparable injury on Local 1000's image to membership by preventing valid board action on pressing matters and will require Local 1000 to convene a new board meeting for violating California Corporations Codes whether intentional or not!

In addition my request for copies of ALL financial records from February 27, 2022 through June 7, 2022, has also not been addressed nor answered. As a member of the Board of Directors I am entitled to copies of all financial records. I am requesting to inspect and make copies of all financial and accounting books and records that detail all Local 1000 spending for my requested time period. I am making this request pursuant to California Corporations Code section 8333 for all financial information within a reasonable time not to exceed 14 days. I first asked for this financial information on June 7, 2022. This financial information requested includes but is **not** limited to the information stated below.

1. Documents recording, documenting or relating to all political expenditures. This request should include SEIU International employees on loan to Local 1000.
2. Documents recording, documenting or relating to all expenditures for the Union Leave paid to members and Stewards who have participated in SEIU International agendas separated out as Union Leave for Members, Union Leave for Stewards.
3. Documents and filings or relating to any other costs associated with SEIU International.
4. Documents recording, documenting or relating to all expenditures for Union Leave for the Statewide Officers and Board of Directors for the period beginning February 27, 2022 and ending July 3, 2022.
5. Documents recording, documenting or relating to all expenditures for any and all payments, via check, payroll, or any other means, made payable to William Hall during the last 120 days.
6. Documents recording, documenting or relating to all expenditures for per capita payments to SEIU International and to SEIU California State Council over the last 6 months.
7. The general ledger reflecting all checks or electronic fund transfers drawn on union funds in the last 120 days.

I am also requesting all Board meeting notes regarding the agenda and all voter information regarding any changes to the Bylaws and to the Policy File per Civ. Code § 5210(a)(2).

Thank you,
Local 1000 Board of Director member
Richard Louis Brown
Inspire the Impossible 7437
408-207-2339

BERB Received
12/01/22 12:58 PM

From: [Richard Brown](#)

Sent: Friday, June 10, 2022 7:28 AM

To: [Richard Brown](#); [jd.sandoval@live.com](#); [moneyrodriguez@hotmail.com](#); [rnavarrete23@yahoo.com](#); [nancymartinez_6@hotmail.com](#); [whitemamba.ev@gmail.com](#); [ndavissei1000@aol.com](#); [carolesei1000@gmail.com](#); [Kjefferies08@gmail.com](#); [ssa_dave04@hotmail.com](#); [healykm@hotmail.com](#); [yspygl4@gmail.com](#); [Nicolesolovskoy@yahoo.com](#); [mdlc056@gmail.com](#); [MVaranian@sei1000.org](#); [MSMRoy1976@gmail.com](#); [mistydelrosario3@hotmail.com](#); [exctme@aol.com](#); [delonnelj@gmail.com](#); [trico60@hotmail.com](#); [Brad Willis](#); [Davidjohnson055@gmail.com](#); [president.dlc788@gmail.com](#); [ibarraruth@gmail.com](#); [christinadlc751@gmail.com](#); [CullenKral@gmail.com](#); [ruthkiker@charter.net](#); [dlc789pres@outlook.com](#); [Andrew Vasicek](#); [Susan Rodriguez](#); [bigdtiggerds69@yahoo.com](#); [musembi.rn@gmail.com](#); [Irene Greene](#); [billhall95688@gmail.com](#); [Vanessa Seastrong](#); [mariablaine39@gmail.com](#); [cmsallen768@gmail.com](#); [risewithlabor@gmail.com](#); [thetay456@gmail.com](#); [robertvega2013@gmail.com](#); [MEMBERSFIRST@gmail.com](#); [seiujack.dean@gmail.com](#); [lat_jin@hotmail.com](#); [van.nguyen_seiu.local1000@outlook.com](#); [angeliquems@aol.com](#); [DLC764@outlook.com](#); [cindydoyleunion@gmail.com](#); [JEROME_WASH@sbcglobal.net](#); [kcvwmom@yahoo.com](#); [roncina@frontiernet.net](#); [his_story1865@yahoo.com](#); [Anica Walls](#); [rgilbert.seiu1000@gmail.com](#); [eric_murray03@msn.com](#)
Cc: [Anne Giese](#); [Attorney Rodney Diggs](#); [info@kkcounsel.com](#); [ckatzenbach@kkcounsel.com](#)

Subject: 3rd and Final Request-Courtesy email regarding the June 11-13, 2022 BOD meeting

3rd and Final Request-Courtesy email regarding the June 11-13, 2022, BOD meeting.

Good happy Friday morning Local 1000 Board of Directors, Chief Counsel-Anne Giese, and Chris Katzenbach,

This is my 3rd and final request for the scheduled June 11-13, 2022, Board of Directors' meeting (BOD) be a hybrid for attendance by either zoom or in person. Please see my emails below that I sent on June 7th and 9th, 2022, regarding the upcoming BOD in person attendance request and my other financial demands. DLC 744 President Bill Hall was able to see Governor Newsom last week so having an in-person zoom meeting should not be a problem. Please respond to this 3rd and final email by 4:00pm today.

DLC Presidents Jack Dean, Monica Rodriguez, and Nicole Solokvsky have affirmatively responded to my June 7, 2022, email to the BOD also requesting this upcoming BOD meeting also have the option of in person attendance.

By ignoring and refusing to respond to my 3rd and final email request Local 1000 is willfully refusing to allow BOD members their legal right to attend this BOD meeting in-person and the recognition of these members of the Board to speak, to address matters before the Board and to raise matters of privilege or procedure in this upcoming illegal BOD meeting. Prior illegal BOD meetings that have been held since February 27, 2022, have used the mute function to prevent directors from speaking, raising points of privilege or debating motions regarding a variety of issues such as the legalities of illegal "Chair" position being created without first being ratified by membership. Local 1000 has clearly and intentionally violated the provisions of the California Corporations Code that provide that the affairs of Local 1000 if not stipulated by its Bylaws and Policy File are under the direction of the California Corporation Code § 7210 and that teleconference and video meetings must be conducted in a way that allows all board members to see, hear and communicate with each other, and to propose or object to matters at the meeting per the California Corporation Code § 7211(a)(6). In addition Local 1000's Policy File is not being followed regarding: a) limit speakers to two minutes and precludes a speaker from speaking twice until other directors desiring to speak have been able to speak per Section 3.2.11(a), require a vote of the Board to cut off debate per Section 3.2.11(c)) and requires recognition of the board member on questions of privilege that prevent the member from effective participation in the meeting and

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requires that the problem be addressed immediately per Section 3.2.12(a). Local 1000 is also violating Robert's Rules of Order governing the ability of members to make motions and debate.

Local 1000 Board of Directors are entitled to attend and vote at meetings per California Corporations Code Section 7211(a)(8) and (c). These rights include attending committee meetings in person and remotely per California Corporations Code Section 7211(d).

Denying Local 1000 Board of Directors the right to attend (in person or remotely) is simply just wrong and unjust. This denial will invalidate all actions taken at the meeting, even if a quorum of other directors would be present. *Signal Oil & Gas Co. v. Ashland Oil & Ref. Co.*, 49 Cal.2d 764, 782, 322 P.2d 1, 12 (1958). This will inflict irreparable injury on Local 1000's image to membership by preventing valid board action on pressing matters and will require Local 1000 to convene a new board meeting for violating California Corporations Codes whether intentional or not!

Again, please respond to this 3rd and final email by 4:00pm today regarding this entire email request and demands. I along with members plan to attend this BOD in person so members' votes/voices will no longer be ignored.

Thank you,
Richard Louis Brown
Local 1000 President
408-207-2339
Tell the Truth 7437

Richard Brown <richard.brown7437@yahoo.com>

To: RichardBrown,eric_murray03@msn.com,moneyrodriguez@hotmail.com,rnavarrete23@yahoo.com,nancymartinez_6@hotmail.com,whitemamba.ev@gmail.com,ndavisseiul000@aol.com,caroleseiul000@gmail.com,kjfferies08@gmail.com,richard.brown7437@yahoo.com,ssa_dave04@hotmail.com,healykm@hotmail.com,yspygl4@gmail.com,nicolesolovskoy@yahoo.com,mdlc056@gmail.com,mvartanian@seiu1000.org,msmroy1976@gmail.com,mistydelrosario3@hotmail.com,exctme@aol.com,delonnelj@gmail.com,trico60@hotmail.com,BradWillis,davidrjohnson055@gmail.com,president.dlc788@gmail.com,ibarraruth@gmail.com,christinadlc751@gmail.com,cullenkral@gmail.com,ruthkiker@charter.net,dlc789pres@outlook.com,Andrew Vasicek,SusanRodriguez,bigdtiggerds69@yahoo.com,IreneGreene,musembi.rn@gmail.com,billhall95688@gmail.com,VanessaSeastrong,mariablaine39@gmail.com,cmsallen768@gmail.com,risewithlabor@gmail.com,thetay456@gmail.com,robertvega2013@gmail.com,e@sbcglobal.net,membersfirst@gmail.com,seiujack.dean@gmail.com,lat_jin@hotmail.com,van.nguyen_seiu.local1000@outlook.com,angeliquems@aol.com,dlc764@outlook.com,cindydoyleunion@gmail.com,jerome_wash@sbcglobal.net,rwake61@yahoo.com,roncina@frontiernet.net,kcvwmom@yahoo.com,his_story1865@yahoo.com,Anica Walls,rgilbert.seiu1000@gmail.com,jd.sandoval@live.com
Cc: Anne Giese,Attorney Rodney Diggs,info@kkcounsel.com

Thu, Jun 9 at 8:00 AM

Good morning Local 1000 Board of Directors, Chief Counsel-Anne Giese, and Chris Katzenbach,

This is my 2nd request for the scheduled June 11-13, 2022, Board of Directors' meeting (BOD) be a hybrid for attendance by either zoom or in person. Please see my email below that I sent on June 7, 2022, regarding the upcoming BOD in person attendance request and my other financial demands. Please respond to this email by 4:00pm today.

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DLC Presidents Jack Dean and Monica Rodriguez have affirmatively responded to my June 7, 2022, email to the BOD also requesting this upcoming BOD meeting also have the option of in person attendance.

Again, please respond by 4:00pm today regarding this entire email request and demands. I along with members plan to attend this BOD in person so members' vote will no longer be ignored.

Thank you,
Richard Louis Brown
Local 1000 President
408-207-2339
Tell the Truth 7437

Richard Brown <richard.brown7437@yahoo.com>

To: Richard.brown7437@yahoo.com,msmroy1976@gmail.com,caroleseiu1000@gmail.com,yspygl4@gmail.com,e@sbcglobal.net,nancymartinez_6@hotmail.com,moneyrodriguez@hotmail.com,angeliquems@aol.com,cmallen768@gmail.com,exctme@aol.com,Nicolesolovskoy@yahoo.com,Dlc789pres@outlook.com,seiujack.dean@gmail.com,robertvega2013@gmail.com,eric_murray03@msn.com,MVartanian@SEIU1000.org,mdlc056@gmail.com,Davidrjohnson055@gmail.com,delonnelj@gmail.com,jd.sandoval@live.com,van.nguyen_seiu.local1000@outlook.com,CullenKral@gmail.com,ibarraruth@gmail.com,president.dlc788@gmail.com,ssa_dave04@hotmail.com,ndavisseiu1000@aol.com,lat_jin@hotmail.com,whitemamba.ev@gmail.com,musembi.rn@gmail.com,rgilbert.seiu1000@gmail.com,mariablaine39@gmail.com,membersfirst@gmail.com,his_story1865@yahoo.com,mistydelrosario3@hotmail.com,risewithlabor@gmail.com,billhall95688@gmail.com,rnavarrete23@yahoo.com,Jerome_wash@sbcglobal.net,christinadlc751@gmail.com,healykm@hotmail.com,bigdtiggerds69@yahoo.com,DLC764@outlook.com,rwake61@yahoo.com,trico60@hotmail.com,thetay456@gmail.com,CindyDoyelUnion@gmail.com,roncina@frontiernet.net,kerricriley@icloud.com,kjefferies08@gmail.com,AnicaWalls,Vanessa Seastrong,Andrew Vasicek,Irene Greene,Brad Willis,ruthkiker@charter.net,Susan Rodriguez,kcvwmom@yahoo.comHide

Cc: Chris Katzenbach,Anne Giese,Attorney Rodney Diggs

Tue, Jun 7 at 9:27 PM

June 7, 2022

To the Local 1000 Board of Directors,

This **courtesy** email is to inform and provide Local 1000 the golden opportunity to **"Tell the Truth"** and do what is legally right for the first time in months. I am informing the Local 1000 Board of Directors that the upcoming illegal Board of Directors' meeting scheduled for June 11-13, 2022, called by DLC 744 President William (Billy) Hall is improper and any actions taken from these illegal meetings are invalid. All Board meetings that have been held since February 27, 2022, are truly improper and invalid since the 3 Statewide VPs have retaliated against me for having their duties suspended on February 25, 2022, by quickly suspending me on February 27, 2022. Only the Local 1000 President can call BOD meetings!

Our Local 1000 Chief Counsel, Anne Giese, is well aware of the impropriety of these illegal BOD meetings that have been held since February 27, 2022.

It is well known that DLC 744 President William (Billy) Hall has a lawsuit against me regarding his need for me to acknowledge his illegal and improper BOD meeting that he held on Oct 16-17, 2021, at the California Democratic Headquarters. I will be traveling as scheduled to worksites in the immediate future and I look forward to meeting everyone in DLC 744 President's DLC. Therefore I am demanding that Local 1000 furnish

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me along with the Local 1000 AML financials from February 27, 2022, to June 7, 2022. These financials will determine if the DLC 744 President is actually paying his personal attorney, Chris Katzenbach at (415) 834-1778, without using Local 1000 members' money plus ensure that VP Anica Walls' personal HR1 attorney is also not being paid by members' money. I also need the financial documentation that DLC 744 President has entered with Chris Katzenbach that states Local 1000 will pay Mr. Katzenbach in the future regarding any work associated with Local 1000.

I am also informing the BOD that for many different reasons but the primarily reason is regarding communication at these illegal BOD meetings so we must allow directors to attend in person. Certain BOD members have been bullied, ignored, silenced, or muted while trying to speak about important issues during these illegal BOD meetings, so I am informing everyone that this upcoming illegal BOD meeting must be held either by zoom or in person aka by hybrid depending on the Director's prerogative. I am also informing the BOD that directors are allowed to attend and participate whether they registered or not.

In summary I am sending this email to provide Local 1000 the golden opportunity to "Tell the Truth" and resolve these issues without being dismissive of this email because I believe that the California Corporations Code is being strongly violated if directors are not allowed to attend in person, having to register to attend, and not being given the opportunity to speak without facing hostility so any actions taken at this upcoming BOD meeting will be invalid with possible legal action taken in the future if these issues are not resolved prior to this illegal BOD meeting.

Please respond by June 8, 2022, by 4pm on all of these important issues I am raising and demanding. I can always be contacted at 408-207-2339.

Sincerely,

RICHARD LOUIS BROWN
President, SEIU Local 1000

Jack Dean <seiujack.dean@gmail.com>

To: Richard Brown

Cc: Andrew Vasicek, Anica Walls, Anne Giese, Attorney Rodney Diggs, Brad Willis, Chris Katzenbach, CindyDoyelUnion@gmail.com, CullenKral@gmail.com, DLC764@outlook.com, Davidrjohnson055@gmail.com, Dlc789pres@outlook.com, Irene Greene, Jerome_wash@sbcglobal.net, MVartanian@SEIU1000.org, Nicolesolovskoy@yahoo.com, Susan Rodriguez, Vanessa Seastrong, angeliquems@aol.com, bigdtiggerds69@yahoo.com, billhall95688@gmail.com, caroleseiu1000@gmail.com, christinadlc751@gmail.com, cmsallen768@gmail.com, delonnelj@gmail.com, e@sbcglobal.net, eric_murray03@msn.com, exctme@aol.com, healykm@hotmail.com, his_story1865@yahoo.com, ibarraruth@gmail.com, jd.sandoval@live.com, kcvwmom@yahoo.com, kerricriley@icloud.com, kjefferies08@gmail.com, lat_jin@hotmail.com, mariablaine39@gmail.com, mdlc056@gmail.com, membersfirst@gmail.com, mistydelrosario3@hotmail.com, moneyrodriguez@hotmail.com, msmroy1976@gmail.com, musembi.rn@gmail.com, nancymartinez_6@hotmail.com, ndavisseiu1000@aol.com, president.dlc788@gmail.com, rgilbert.seiu1000@gmail.com, risewithlabor@gmail.com, rnavarrete23@yahoo.com, robertvega2013@gmail.com, roncina@frontiernet.net, ruthkiker@charter.net, rwake61@yahoo.com, ssa_dave04@hotmail.com, thetay456@gmail.com, trico60@hotmail.com, van.nguyen_seiu.local1000@outlook.com, whitemamba.ev@gmail.com, yspyg14@gmail.com

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Tue, Jun 7 at 12:01 PM 12/01/22 12:58 PM

Good evening,

I agree with President Brown's points on the recent BOD meetings and the communication issues. I am formally requesting that this meeting be held in person so all DLC's and all members can have a voice in our Union.

Respectfully,

Jack Dean
DLC 792 President

EXHIBIT I-Racist "Coon" Caricature



State Employees

Jon h a l • m •



this was sent to me from the dark web meme stash and made me chuckle. Some times you just have to laugh. Hope we can turn this situation around in the new year and get to the difficult work of organizing for a good contract.



rtJ L'ke



Comment



Share



Denise Quinn-Allen is supporting **SEIU Local 1000**.
1d · 🌐

SEIU Local 1000 Board Meeting Scheduled for tonight, April 18

The Local 1000 Board of Directors will hold a meeting tonight, April 18, 2022, from 6:30 – 8:00 p.m.... See more

MAJOR BREAKING



"You need to respect the chair, and shut your mouth!"

-Maxine Waters to ^{RICHARD}LOUIS BROWN

I'm with her! Are you?

CALL TO ACTIVISM ←

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EXHIBIT J-Warning Letters

LOCAL 1000

SEIU

Telephone: (916) 554-1279
Facsimile: (916) 554-1292

VIA CERTIFIED MAIL
With Return Receipt Requested
70112970000007856449

September 13, 2021

William Hall
President DLC 744
4479 Rolling Hills Ln
Vacaville, CA 95688-9533

**RE: PETITION DEMAND FOR THE PRESIDENT TO CALL A
SPECIAL MEETING OF THE BOARD FOR PROPOSED
AGENDA ITEMS**

Dear Mr. Hall.

On September 7, 2021, SEIU Local 1000 received your proposed agenda items for your requested special board meeting pursuant to Section 3.2.00(b)(1) of the Policy File. While the letter was addressed to Robert L Brown - we take that to be an error and intended for Richard Louis Brown. Your letter refers to Exhibit 1, which is supposed to attach the Board member affirmations for this request and related to the attached agenda items. Unfortunately, those affirmations were not attached. SEIU Local 1000 cannot speculate on which Board members approved the request for a meeting on these specific items. The Policy File requires the following:

(b) Upon petition by a majority of the Local 1000 Board of Directors members, the President shall call a special meeting of the Board.

(1) Such petition shall contain the following information:

- (i) The specific issue(s) for the proposed agenda and the circumstance(s) or reason(s) such issue(s) cannot reasonably be dealt with at the next regularly scheduled Board meeting;
- (ii) The potential damage or loss to the Local or its members which is likely to occur if such issue(s) are not resolved at the meeting proposed by the petition;

Thank you for your attention to this letter.

Very truly yours,



ANNE M. GIESE

RICHARD
LOUIS BROWN
President

DAVID JIMENEZ
Vice President;
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

IRENE GREEN
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

1808 I 4th Street
Sacramento, CA 95811

866 471-SBU (73 48)
www.seiu1000.org

LOCAL 1000



VIA CERTIFIED MAIL
With Return Receipt Requested
7019 0140 0001 0649 6268

September 27, 2021

William Hall
President DLC 744
4479 Rolling Hills Ln
Vacaville, CA 95688-9533

RICHARD
LOUIS BROWN
President

**RE: PETITION DEMAND FOR THE PRESIDENT TO CALL A
SPECIAL MEETING OF THE BOARD FOR PROPOSED AGENDA**

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

Dear Mr. Hall.

ANICA WALLS
Vice President for
Organizing/Representation

On September 23, 2021, I received your requested special board meeting pursuant to Section 3.2.00(b)(1) of the Policy File. I have found your petition to be out of order. It is deficient in a number of areas:

IRENE GREEN
Vice President for Bargaining

First, Exhibit 1 is purported to be a list of board members that support a special board meeting; however, it is invalid. One of the listed proponents of the items, Beth Bartel, is no longer a board member. This means that you are accounting for votes that are in fact invalid. This gives rise to the assumption that there are more votes being counted that are invalid. It is in the best interest of the organization that the union does an independent investigation into the validity of each board member's position on your petition.

Additionally, DLC President Jerome Washington's name was removed from the list provided in Exhibit 1 following the August 24, 2021 petition but prior to your most recent petition, further undermining the validity of any supposed majority.

Second, in its current form, the demand was not submitted to myself for consideration 24 hours prior to its circulation for signatures as required in Policy File section 3.2.00(b)(2).

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

Therefore, I will not be calling a special meeting pursuant to your request I received on September 23, 2021.

Thank you for your attention to this letter.

Sincerely,

1808 14th Street
Sacramento, CA 95811

A handwritten signature in blue ink that reads "Richard Louis Brown 7437". The signature is written in a cursive, flowing style.

866.471.SEIU (73481
www.seiul000.org

RICHARD LOUIS BROWN
President, SEIU Local 1000

SERVICE EMPLOYEES
INTERNATIONAL UNION

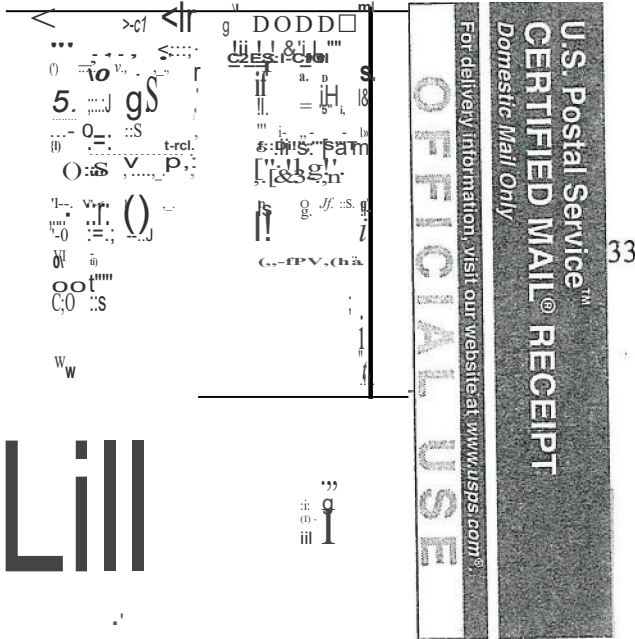
1808 14TH STREET
SACRAMENTO, CA 95811

EXHIBIT J-page 2a

BERB Received
12/01/22 12:58 PM

7019 0140 0001 0649 6268

7019 0140 0001 0649 6268



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

SENDER: COMPLETE

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William Hall
President DLC 744
4479 Rolling Hills Ln
Vacaville, CA 95688-9533

9590 9402 4071 8092 1738 42

2. Article Number (Transfer from service label)

7019 0140 0001 0649 62

SECTION ON DELIVERY

A. Signature

X

D Agent

D Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? D Yes
If YES, enter delivery address below: O No

3. Service Type

- ☐ Certified Mail (Registered Delivery)
- ☐ Collect on Delivery (Restricted Delivery)
- ☐ Collect on Delivery (Restricted Delivery)
- ☐ Insured Mail
- ☐ Registered Mail (Restricted Delivery)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

LOCAL 1000



SEIU

VIA CERTIFIED MAIL

With Return Receipt Requested

October?, 2021

William Hall
President DLC 744
4479 Rolling Hills Ln
Vacaville, CA 95688-9533

RICHARD
LOUIS BROWN
President

**RE: IMPROPER ATTEMPT TO HOLD SPECIAL MEETING OF THE
BOARD WITHOUT THE PRESIDENT'S ACTION**

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

Dear Mr. Hall,

ANICA WALLS
Vice President for
Organizing/Representation

On September 28, 2021, I received your email attempting to notify the SEIU Local 1000 Board members of your ad hoc and improper special board meeting on October 16-17, 2021.

IRENE GREEN
Vice President For Bargaining

California Corporation Code Section 721 l(a) states in relevant part that the bylaws govern when it comes to meetings of the board. Pursuant to Section 3.2.00 of the Policy File only the President may call for a Board meeting. Since your petition goes against the Policy File (and the bylaws) and therefore against the Corporation Code, I have found your petitions to be out of order and deficient. These petitions are further deficient on their face given the fact that a former DLC President misrepresented herself as a current president of her DLC in some of your petitions. In addition, proposals submitted to the board that called for approval of an emergency BOD meeting have been amended and changes have been made to the BOD since the vote. Your attempt to hold a Board meeting is unauthorized. Any actions you attempt to take will be out of order and therefore null and void.

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

Any Board member who attempts to attend or support this Board meeting will be subject to disciplinary action including suspension for undermining the Union by imposing an immediate threat to the welfare of Local 1000 (Policy File 9.0.01 (j) (k) Intentional disrupting the orderly conduct of an official meeting and 9.0.03 Suspension of Member). Furthermore, action may be taken with the Superior Court to remove any such member from their position pursuant to California Corporation Code Section 12363 and other California Corporation Codes, which hold in part that the Superior Court has authority to remove any director for fraudulent or dishonest acts or gross abuse of authority or discretion with reference to the corporation. This illicitly proposed attempt at a meeting circumventing the correct organizational processes and the underlying improperly proposed policy file and bylaws changes are clearly evidence of violations of said code prosecutable to the furthest extent of the law.

1808 14th Street
Sacramento, CA 95811

86 6.471SEIU 17348)
www.seiu1000.org

Thank you for your attention to this letter.

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ct'1,,0ICX.QUv ll-/5/
RICHARD LOUIS BROWN
President, SEIU Local 1 000

cc: SEIU Local 1 000 Board of Directors

LOCAL 1000

SEIU

November 7, 2021

William Hall,
President DLC 744
4479 Rolling Hills Ln
Vacaville, CA 95688-9533

RE: **IMPROPER REQUEST TO IMPLEMENT AMENDMENTS FROM
IMPROPER AND OUT OF ORDER BOARD MEETING WITHOUT
THE PRESIDENT'S ACTION TO CALL A BOARD MEETING**

RICHARD
LOUIS BROWN
President

Dear Mr. Hall,

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

I have received your letter dated October 28, 2021. While I look forward to receiving the documents you refer to in your letter, I do not accept the representations made in your letter, and do not recognize the actions you claim were taken as being valid. There were numerous irregularities and improprieties in the process leading to the meeting and the conduct of the meeting itself. It was not a valid Board meeting and the actions purportedly taken at that meeting were (for those reasons and others) invalid. While the veil of secrecy surrounding the out of order meeting has not yet been lifted, the information that has escaped makes it clear that the meeting was not properly called, noticed, or conducted pursuant to the SEIU Local 1000 Bylaws and Policy File.

ANICA WALLS
Vice President for
Organizing/Representation

IRENE GREEN
Vice President for Bargaining

The actions taken by a minority of the members of the Board, at a gathering that was not a valid meeting of the SEIU Local 1000 Board and therefore is not effective to amend the Bylaws and Policy File nor overcome the decision of the membership when it elected me President with all of the responsibilities and authority of the position. Any actions aided by legal advice from SEIU International will further violate this invalid meeting.

As you have presented literally no evidence supporting the position that ANY changes were validly made at the October 16th and 17th gathering it is not logical for you to expect me to simply accept your representations. Please submit any information to me for my review no later than December 7, 2021, and I will respond within 30 days once I have had the opportunity to review such information.

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW-CLC

Sincerely,

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RICHARD LOUIS BROWN
President, SEIU Local 1000

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/L->\.J."'

IBOS 14th Street
Sacramento, CA 95811

866.471.SEIU/7348/
www.seiul000.org

Exhibit JA-California Corporations Codes

1. California Code, Corporations Code - CORP § 309

(a) A director shall perform the duties of a director, including duties as a member of any committee of the board upon which the director may serve, in good faith, in a manner such director believes to be in the best interests of the corporation and its shareholders and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

(b) In performing the duties of a director, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by any of the following:

(1) One or more officers or employees of the corporation whom the director believes to be reliable and competent in the matters presented.

(2) Counsel, independent accountants or other persons as to matters which the director believes to be within such person's professional or expert competence.

(3) A committee of the board upon which the director does not serve, as to matters within its designated authority, which committee the director believes to merit confidence, so long as, in any such case, the director acts in good faith, after reasonable inquiry when the need therefor is indicated by the circumstances and without knowledge that would cause such reliance to be unwarranted.

(c) A person who performs the duties of a director in accordance with subdivisions (a) and (b) shall have no liability based upon any alleged failure to discharge the person's obligations as a director. In addition, the liability of a director for monetary damages may be eliminated or limited in a corporation's articles to the extent provided in paragraph (10) of subdivision (a) of Section 204.

(Amended by Stats. 1987, Ch. 1203, Sec. 2. Effective September 27, 1987.)

2. California Code, Corporations Code - CORP § 317

(a) For the purposes of this section, "agent" means any person who is or was a director, officer, employee or other agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust or other enterprise, or was a director, officer, employee or agent of a foreign or domestic corporation which was a predecessor corporation of the corporation or of another enterprise at the request of the predecessor corporation; "proceeding" means any threatened, pending or completed action or proceeding, whether civil, criminal, administrative or investigative; and "expenses" includes without limitation attorneys' fees and any expenses of establishing a right to indemnification under subdivision (d) or paragraph (4) of subdivision (e).

(b) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding (other than an action by or in the right of the corporation to procure a judgment in its favor) by reason of the fact that the

person is or was an agent of the corporation, against expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with the proceeding if that person acted in good faith and in a manner the person reasonably believed to be in the best interests of the corporation and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of the person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the corporation or that the person had reasonable cause to believe that the person's conduct was unlawful.

(c) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action by or in the right of the corporation to procure a judgment in its favor by reason of the fact that the person is or was an agent of the corporation, against expenses actually and reasonably incurred by that person in connection with the defense or settlement of the action if the person acted in good faith, in a manner the person believed to be in the best interests of the corporation and its shareholders.

No indemnification shall be made under this subdivision for any of the following:

(1) In respect of any claim, issue or matter as to which the person shall have been adjudged to be liable to the corporation in the performance of that person's duty to the corporation and its shareholders, unless and only to the extent that the court in which the proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnity for expenses and then only to the extent that the court shall determine.

(2) Of amounts paid in settling or otherwise disposing of a pending action without court approval.

(3) Of expenses incurred in defending a pending action which is settled or otherwise disposed of without court approval.

(d) To the extent that an agent of a corporation has been successful on the merits in defense of any proceeding referred to in subdivision (b) or (c) or in defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

(e) Except as provided in subdivision (d), any indemnification under this section shall be made by the corporation only if authorized in the specific case, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in subdivision (b) or (c), by any of the following:

(1) A majority vote of a quorum consisting of directors who are not parties to such proceeding.

(2) If such a quorum of directors is not obtainable, by independent legal counsel in a written opinion.

(3) Approval of the shareholders ([Section 153](#)), with the shares owned by the person to be indemnified not being entitled to vote thereon.

(4) The court in which the proceeding is or was pending upon application made by the corporation or the agent or the attorney or other person rendering services in connection with the defense, whether or not the application by the agent, attorney or other person is opposed by the corporation.

(f) Expenses incurred in defending any proceeding may be advanced by the corporation prior to the final disposition of the proceeding upon receipt of an undertaking by or on behalf of the agent to repay that amount if it shall be determined ultimately that the agent is not entitled to be indemnified as authorized in this section. The provisions of [subdivision \(a\) of Section 315](#) do not apply to advances made pursuant to this subdivision.

(g) The indemnification authorized by this section shall not be deemed exclusive of any additional rights to indemnification for breach of duty to the corporation and its shareholders while acting in the capacity of a director or officer of the corporation to the extent the additional rights to indemnification are authorized in an article provision adopted pursuant to paragraph (11) of [subdivision \(a\) of Section 204](#) . The indemnification provided by this section for acts, omissions, or transactions while acting in the capacity of, or while serving as, a director or officer of the corporation but not involving breach of duty to the corporation and its shareholders shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any bylaw, agreement, vote of shareholders or disinterested directors, or otherwise, to the extent the additional rights to indemnification are authorized in the articles of the corporation. An article provision authorizing indemnification "in excess of that otherwise permitted by [Section 317](#) " or "to the fullest extent permissible under California law" or the substantial equivalent thereof shall be construed to be both a provision for additional indemnification for breach of duty to the corporation and its shareholders as referred to in, and with the limitations required by, paragraph (11) of [subdivision \(a\) of Section 204](#) and a provision for additional indemnification as referred to in the second sentence of this subdivision. The rights to indemnity hereunder shall continue as to a person who has ceased to be a director, officer, employee, or agent and shall inure to the benefit of the heirs, executors, and administrators of the person. Nothing contained in this section shall affect any right to indemnification to which persons other than the directors and officers may be entitled by contract or otherwise.

(h) No indemnification or advance shall be made under this section, except as provided in subdivision (d) or paragraph (4) of subdivision (e), in any circumstance where it appears:

(1) That it would be inconsistent with a provision of the articles, bylaws, a resolution of the shareholders, or an agreement in effect at the time of the accrual of the alleged

cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification.

(2) That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

(i) A corporation shall have power to purchase and maintain insurance on behalf of any agent of the corporation against any liability asserted against or incurred by the agent in that capacity or arising out of the agent's status as such whether or not the corporation would have the power to indemnify the agent against that liability under this section. The fact that a corporation owns all or a portion of the shares of the company issuing a policy of insurance shall not render this subdivision inapplicable if either of the following conditions are satisfied: (1) if the articles authorize indemnification in excess of that authorized in this section and the insurance provided by this subdivision is limited as indemnification is required to be limited by paragraph (11) of [subdivision \(a\) of Section 204](#) ; or (2)(A) the company issuing the insurance policy is organized, licensed, and operated in a manner that complies with the insurance laws and regulations applicable to its jurisdiction of organization, (B) the company issuing the policy provides procedures for processing claims that do not permit that company to be subject to the direct control of the corporation that purchased that policy, and (C) the policy issued provides for some manner of risk sharing between the issuer and purchaser of the policy, on one hand, and some unaffiliated person or persons, on the other, such as by providing for more than one unaffiliated owner of the company issuing the policy or by providing that a portion of the coverage furnished will be obtained from some unaffiliated insurer or reinsurer.

(j) This section does not apply to any proceeding against any trustee, investment manager, or other fiduciary of an employee benefit plan in that person's capacity as such, even though the person may also be an agent as defined in subdivision (a) of the employer corporation. A corporation shall have power to indemnify such a trustee, investment manager, or other fiduciary to the extent permitted by [subdivision \(f\) of Section 207](#) .

3. California Code, Corporations Code - CORP § 5213

(a) A corporation shall have (1) a chair of the board, who may be given the title chair, chairperson, chairman, chairwoman, chair of the board, chairperson of the board, chairman of the board, or chairwoman of the board, or a president or both, (2) a secretary, (3) a treasurer or a chief financial officer or both, and (4) any other officers with any titles and duties as shall be stated in the bylaws or determined by the board and as may be necessary to enable it to sign instruments. The president, or if there is no president the chair of the board, is the general manager and chief executive officer of the corporation, unless otherwise provided in the articles or bylaws. Unless otherwise specified in the articles or the bylaws, if there is no chief financial officer, the treasurer is the chief financial officer of the corporation. Any number of offices may be held by the same person unless the articles or bylaws provide otherwise, except that no person serving as the secretary, the treasurer, or the chief financial officer may serve concurrently as the president or chair of the board. Any compensation of the president

or chief executive officer and the chief financial officer or treasurer shall be determined in accordance with [subdivision \(g\) of Section 12586 of the Government Code](#) , if applicable.

(b) Except as otherwise provided by the articles or bylaws, officers shall be chosen by the board and serve at the pleasure of the board, subject to the rights, if any, of an officer under any contract of employment. Any officer may resign at any time upon written notice to the corporation without prejudice to the rights, if any, of the corporation under any contract to which the officer is a party.

(c) If the articles or bylaws provide for the election of any officers by the members, the term of office of the elected officer shall be one year unless the articles or bylaws provide for a different term which shall not exceed three years.

4. California Code, Corporations Code - CORP § 5231

(a) A director shall perform the duties of a director, including duties as a member of any committee of the board upon which the director may serve, in good faith, in a manner that director believes to be in the best interests of the corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

(b) In performing the duties of a director, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

(1) One or more officers or employees of the corporation whom the director believes to be reliable and competent in the matters presented;

(2) Counsel, independent accountants or other persons as to matters which the director believes to be within that person's professional or expert competence; or

(3) A committee upon which the director does not serve that is composed exclusively of any or any combination of directors, persons described in paragraph (1), or persons described in paragraph (2), as to matters within the committee's designated authority, which committee the director believes to merit confidence, so long as, in any case, the director acts in good faith, after reasonable inquiry when the need therefor is indicated by the circumstances and without knowledge that would cause that reliance to be unwarranted.

(c) Except as provided in Section 5233, a person who performs the duties of a director in accordance with subdivisions (a) and (b) shall have no liability based upon any alleged failure to discharge the person's obligations as a director, including, without limiting the generality of the foregoing, any actions or omissions which exceed or defeat a public or charitable purpose to which a corporation, or assets held by it, are dedicated.

(Amended by Stats. 2009, Ch. 631, Sec. 14. (AB 1233) Effective January 1, 2010.)

5. California Code, Corporations Code - CORP § 5233

(a) Except as provided in subdivision (b), for the purpose of this section, a self-dealing transaction means a transaction to which the corporation is a party and in which one or more of its directors has a material financial interest and which does not meet the requirements of paragraph (1), (2), or (3) of subdivision (d). Such a director is an "interested director" for the purpose of this section.

(b) The provisions of this section do not apply to any of the following:

(1) An action of the board fixing the compensation of a director as a director or officer of the corporation.

(2) A transaction which is part of a public or charitable program of the corporation if it: (i) is approved or authorized by the corporation in good faith and without unjustified favoritism; and (ii) results in a benefit to one or more directors or their families because they are in the class of persons intended to be benefited by the public or charitable program.

(3) A transaction, of which the interested director or directors have no actual knowledge, and which does not exceed the lesser of 1 percent of the gross receipts of the corporation for the preceding fiscal year or one hundred thousand dollars (\$100,000).

(c) The Attorney General or, if the Attorney General is joined as an indispensable party, any of the following may bring an action in the superior court of the proper county for the remedies specified in subdivision (h):

(1) The corporation, or a member asserting the right in the name of the corporation pursuant to Section 5710.

(2) A director of the corporation.

(3) An officer of the corporation.

(4) Any person granted relator status by the Attorney General.

(d) In any action brought under subdivision (c) the remedies specified in subdivision (h) shall not be granted if:

(1) The Attorney General, or the court in an action in which the Attorney General is an indispensable party, has approved the transaction before or after it was consummated; or

(2) The following facts are established:

(A) The corporation entered into the transaction for its own benefit;

(B) The transaction was fair and reasonable as to the corporation at the time the corporation entered into the transaction;

(C) Prior to consummating the transaction or any part thereof the board authorized or approved the transaction in good faith by a vote of a majority of the directors then in office without counting the vote of the interested director or directors, and with knowledge of the material facts concerning the transaction and the director's interest in the transaction. Except as provided in paragraph (3) of this subdivision, action by a committee of the board shall not satisfy this paragraph; and

(D) (i) authorizing or approving the transaction the board considered and in good faith determined after reasonable investigation under the circumstances that the corporation could not have obtained a more advantageous arrangement with reasonable effort under the circumstances or (ii) the corporation in fact could not have obtained a more advantageous arrangement with reasonable effort under the circumstances; or

(3) The following facts are established:

(A) A committee or person authorized by the board approved the transaction in a manner consistent with the standards set forth in paragraph (2) of this subdivision;

(B) It was not reasonably practicable to obtain approval of the board prior to entering into the transaction; and

(C) The board, after determining in good faith that the conditions of subparagraphs (A) and (B) of this paragraph were satisfied, ratified the transaction at its next meeting by a vote of the majority of the directors then in office without counting the vote of the interested director or directors.

(e) Except as provided in subdivision (f), an action under subdivision (c) must be filed within two years after written notice setting forth the material facts of the transaction and the director's interest in the transaction is filed with the Attorney General in accordance with such regulations, if any, as the Attorney General may adopt or, if no such notice is filed, within three years after the transaction occurred, except for the Attorney General, who shall have 10 years after the transaction occurred within which to file an action.

(f) In any action for breach of an obligation of the corporation owed to an interested director, where the obligation arises from a self-dealing transaction which has not been approved as provided in subdivision (d), the court may, by way of offset only, make any order authorized by subdivision (h), notwithstanding the expiration of the applicable period specified in subdivision (e).

(g) Interested directors may be counted in determining the presence of a quorum at a meeting of the board which authorizes, approves or ratifies a contract or transaction.

(h) If a self-dealing transaction has taken place, the interested director or directors shall do such things and pay such damages as in the discretion of the court will provide an equitable and fair remedy to the corporation, taking into account any benefit received by the corporation and whether the interested director or directors acted in good faith and with intent to further the best interest of the corporation. Without limiting the generality of the foregoing, the court may order the director to do any or all of the following:

(1) Account for any profits made from such transaction, and pay them to the corporation;

(2) Pay the corporation the value of the use of any of its property used in such transaction; and

(3) Return or replace any property lost to the corporation as a result of such transaction, together with any income or appreciation lost to the corporation by reason of such transaction, or account for any proceeds of sale of such property, and pay the proceeds to the corporation together with interest at the legal rate. The court may award prejudgment interest to the extent allowed in Section 3287 or 3288 of the Civil Code. In addition, the court may, in its discretion, grant exemplary damages for a fraudulent or malicious violation of this section.

(Amended by Stats. 1981, Ch. 587, Sec. 7.)

6. California Code, Corporations Code - CORP § 5238

(a) For the purposes of this section, "agent" means any person who is or was a director, officer, employee or other agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust or other enterprise, or was a director, officer, employee or agent of a foreign or domestic corporation that was a predecessor corporation of the corporation or of another enterprise at the request of the predecessor corporation; "proceeding" means any threatened, pending or completed action or proceeding, whether civil, criminal, administrative or investigative; and "expenses" includes without limitation attorneys' fees and any expenses of establishing a right to indemnification under subdivision (d) or paragraph (3) of subdivision (e).

(b) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding (other than an action by or in the right of the corporation to procure a judgment in its favor, an action brought under [Section 5233](#), or an action brought by the Attorney General or a person granted relator status by the Attorney General for any breach of duty relating to assets held in charitable trust) by reason of the fact that the person is or was an agent of the corporation, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with the proceeding if the person acted in good faith and in a manner the person reasonably believed to be in the best interests of the corporation and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of the person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the corporation or that the person had reasonable cause to believe that the person's conduct was unlawful.

(c) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action by or in the right of the corporation, or brought under [Section 5233](#), or brought by the Attorney General or a person granted relator status by the Attorney General for breach of duty relating to assets held in charitable trust, to procure a judgment in its favor by reason of the fact that the person is or was an agent of the corporation, against expenses actually and reasonably incurred by the person in connection with the defense or settlement of the action if the person acted in good faith, in a manner the person believed to be in the best interests of the corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this subdivision:

(1) In respect of any claim, issue or matter as to which the person shall have been adjudged to be liable to the corporation in the performance of the person's duty to the corporation, unless and only to the extent that the court in which the proceeding is or was pending shall determine upon application that, in view of all the circumstances of

the case, the person is actually and reasonably entitled to indemnity for the expenses which the court shall determine;

(2) Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or

(3) Of expenses incurred in defending a threatened or pending action which is settled or otherwise disposed of without court approval unless it is settled with the approval of the Attorney General.

(d) To the extent that an agent of a corporation has been successful on the merits in defense of any proceeding referred to in subdivision (b) or (c) or in defense of any claim, issue or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

(e) Except as provided in subdivision (d), any indemnification under this section shall be made by the corporation only if authorized in the specific case, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in subdivision (b) or (c), by:

(1) A majority vote of a quorum consisting of directors who are not parties to the proceeding;

(2) Approval of the members ([Section 5034](#)), with the persons to be indemnified not being entitled to vote thereon; or

(3) The court in which the proceeding is or was pending upon application made by the corporation or the agent or the attorney or other person rendering services in connection with the defense, whether or not the application by the agent, attorney, or other person is opposed by the corporation.

(f) Expenses incurred in defending any proceeding may be advanced by the corporation prior to the final disposition of the proceeding upon receipt of an undertaking by or on behalf of the agent to repay the amount unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this section. The provisions of [subdivision \(a\) of Section 5236](#) do not apply to advances made pursuant to this subdivision.

(g) No provision made by a corporation to indemnify its or its subsidiary's directors or officers for the defense of any proceeding, whether contained in the articles, bylaws, a resolution of members or directors, an agreement or otherwise, shall be valid unless consistent with this section. Nothing contained in this section shall affect any right to indemnification to which persons other than the directors and officers may be entitled by contract or otherwise.

(h) No indemnification or advance shall be made under this section, except as provided in subdivision (d) or paragraph (3) of subdivision (e), in any circumstance where it appears:

(1) That it would be inconsistent with a provision of the articles, bylaws, a resolution of the members or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or

(2) That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

(i) A corporation shall have power to purchase and maintain insurance on behalf of any agent of the corporation against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such whether or not the corporation would have the power to indemnify the agent against that liability under the provisions of this section; provided, however, that a corporation shall have no power to purchase and maintain that insurance to indemnify any agent of the corporation for a violation of [Section 5233](#) .

(j) This section does not apply to any proceeding against any trustee, investment manager, or other fiduciary of a pension, deferred compensation, saving, thrift, or other retirement, incentive, or benefit plan, trust, or provision for any or all of the corporation's directors, officers, employees, and persons providing services to the corporation or any of its subsidiary or related or affiliated corporations, in that person's capacity as such, even though the person may also be an agent as defined in subdivision (a) of the employer corporation. A corporation shall have power to indemnify the trustee, investment manager or other fiduciary to the extent permitted by [subdivision \(f\) of Section 5140](#)

7. California Code, Corporations Code - CORP § 7132

(a) The articles of incorporation may set forth any or all of the following provisions, which shall not be effective unless expressly provided in the articles:

(1) A provision limiting the duration of the corporation's existence to a specified date.

(2) A provision conferring upon the holders of any evidences of indebtedness, issued or to be issued by a corporation the right to vote in the election of directors and on any other matters on which members may vote under this part even if the corporation does not have members.

(3) A provision conferring upon members the right to determine the consideration for which memberships shall be issued.

(4) In the case of a subordinate corporation instituted or created under the authority of a head organization, a provision setting forth either or both of the following:

(A) That the subordinate corporation shall dissolve whenever its charter is surrendered to, taken away by, or revoked by the head organization granting it.

(B) That in the event of its dissolution pursuant to an article provision allowed by subparagraph (A) or in the event of its dissolution for any reason, any assets of the

corporation shall comply with the applicable provisions of Chapters 15 (commencing with [Section 8510](#)), 16 (commencing with [Section 8610](#)), and 17 (commencing with [Section 8710](#)) shall be distributed to the head organization.

(b) Nothing contained in subdivision (a) shall affect the enforceability, as between the parties thereto, of any lawful agreement not otherwise contrary to public policy.

(c) The articles of incorporation may set forth any or all of the following provisions:

(1) The names and addresses of the persons appointed to act as initial directors.

(2) Provisions concerning the transfer of memberships, in accordance with [Section 7320](#) .

(3) The classes of members, if any, and if there are two or more classes, the rights, privileges, preferences, restrictions and conditions attaching to each class.

(4) A provision which would allow any member to have more or less than one vote in any election or other matter presented to the members for a vote.

(5) A provision that requires an amendment to the articles, as provided in [subdivision \(a\) of Section 7812](#) , or to the bylaws, and any amendment or repeal of that amendment, to be approved in writing by a specified person or persons other than the board or the members. However, this approval requirement, unless the articles specify otherwise, shall not apply if any of the following circumstances exist:

(A) The specified person or persons have died or ceased to exist.

(B) If the right of the specified person or persons to approve is in the capacity of an officer, trustee, or other status and the office, trust, or status has ceased to exist.

(C) If the corporation has a specific proposal for amendment or repeal, and the corporation has provided written notice of that proposal, including a copy of the proposal, to the specified person or persons at the most recent address for each of them, based on the corporation's records, and the corporation has not received written approval or nonapproval within the period specified in the notice, which shall not be less than 10 nor more than 30 days commencing at least 20 days after the notice has been provided.

(6) Any other provision, not in conflict with law, for the management of the activities and for the conduct of the affairs of the corporation, including any provision which is required or permitted by this part to be stated in the bylaws.

8. California Code, Corporations Code - CORP § 7150

(a) Except as provided in subdivision (c) and [Sections 7151 , 7220 , 7224 , 7512 , 7613 , and 7615](#) , bylaws may be adopted, amended or repealed by the board unless the action would:

- (1) Materially and adversely affect the rights of members as to voting, dissolution, redemption, or transfer;
- (2) Increase or decrease the number of members authorized in total or for any class;
- (3) Effect an exchange, reclassification or cancellation of all or part of the memberships; or
- (4) Authorize a new class of membership.

(b) Bylaws may be adopted, amended or repealed by approval of the members ([Section 5034](#)); provided, however, that such adoption, amendment or repeal also requires approval by the members of a class if such action would:

- (1) Materially and adversely affect the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption, or transfer in a manner different than such action affects another class;
- (2) Materially and adversely affect such class as to voting, dissolution, redemption, or transfer by changing the rights, privileges, preferences, restrictions or conditions of another class;
- (3) Increase or decrease the number of memberships authorized for such class;
- (4) Increase the number of memberships authorized for another class;
- (5) Effect an exchange, reclassification or cancellation of all or part of the memberships of such class; or
- (6) Authorize a new class of memberships.

(c) The articles or bylaws may restrict or eliminate the power of the board to adopt, amend or repeal any or all bylaws, subject to [subdivision \(e\) of Section 7151](#) .

(d) Bylaws may also provide that the repeal or amendment of those bylaws, or the repeal or amendment of specified portions of those bylaws, may occur only with the approval in writing of a specified person or persons other than the board or members. However, this approval requirement, unless the bylaws specify otherwise, shall not apply if any of the following circumstances exist:

- (1) The specified person or persons have died or ceased to exist.

(2) If the right of the specified person or persons to approve is in the capacity of an officer, trustee, or other status and the office, trust, or status has ceased to exist.

(3) If the corporation has a specific proposal for amendment or repeal, and the corporation has provided written notice of that proposal, including a copy of the proposal, to the specified person or persons at the most recent address for each of them, based on the corporation's records, and the corporation has not received written approval or nonapproval within the period specified in the notice, which shall not be less than 10 nor more than 30 days commencing at least 20 days after the notice has been provided.

9. California Code, Corporations Code - CORP § 7151

(a) The bylaws shall set forth (unless such provision is contained in the articles, in which case it may only be changed by an amendment of the articles) the number of directors of the corporation, or the method of determining the number of directors of the corporation, or that the number of directors shall be not less than a stated minimum nor more than a stated maximum with the exact number of directors to be fixed, within the limits specified, by approval of the board or the members ([Section 5034](#)), in the manner provided in the bylaws, subject to subdivision (e). The number or minimum number of directors may be one or more.

(b) Once members have been admitted, a bylaw specifying or changing a fixed number of directors or the maximum or minimum number or changing from a fixed to a variable board or vice versa may only be adopted by approval of the members ([Section 5034](#)).

(c) The bylaws may contain any provision, not in conflict with law or the articles, for the management of the activities and for the conduct of the affairs of the corporation, including but not limited to:

(1) Any provision referred to in [subdivision \(c\) of Section 7132](#) .

(2) The time, place, and manner of calling, conducting, and giving notice of members', directors', and committee meetings, or of conducting mail ballots.

(3) The qualifications, duties, and compensation of directors; the time of their election; and the requirements of a quorum for directors' and committee meetings.

(4) The appointment of committees, composed of directors or nondirectors, or both, by the board or any officer and the authority of any such committees.

(5) The appointment, duties, compensation, and tenure of officers.

(6) The mode of determination of members of record.

(7) The making of reports and financial statements to members.

(8) Setting, imposing, and collecting dues, assessments, and admission and transfer fees.

(d) The bylaws may provide for the manner of admission, withdrawal, suspension, and expulsion of members, consistent with the requirements of [Section 7341](#) .

(e) The bylaws may require, for any or all corporate actions (except as provided in [paragraphs \(1\) and \(2\) of subdivision \(a\) of Section 7222](#) , [subdivision \(c\) of Section 7615](#) , and [Section 8610](#)) the vote of a larger proportion of, or all of, the members or the members of any class, unit, or grouping of members or the vote of a larger proportion of, or all of, the directors, than is otherwise required by this part. Such a provision in the bylaws requiring such greater vote shall not be altered, amended, or repealed except by such greater vote, unless otherwise provided in the bylaws.

(f) The bylaws may contain a provision limiting the number of members, in total or of any class, which the corporation is authorized to admit.

(g)(1) The bylaws may contain any provision, not in conflict with the articles, to manage and conduct the ordinary business affairs of the corporation effective only in an emergency as defined in [Section 7140](#) , including, but not limited to, procedures for calling a board meeting, quorum requirements for a board meeting, and designation of additional or substitute directors.

(2) During an emergency, the board may not take any action that requires the vote of the members or otherwise is not in the corporation's ordinary course of business, unless the required vote of the members was obtained prior to the emergency.

(3) All provisions of the regular bylaws consistent with the emergency bylaws shall remain effective during the emergency, and the emergency bylaws shall not be effective after the emergency ends.

(4) Corporate action taken in good faith in accordance with the emergency bylaws binds the corporation, and may not be used to impose liability on a corporate director, officer, employee, or agent.

10. California Code, Corporations Code - CORP § 7211

(a) Unless otherwise provided in the articles or in the bylaws, all of the following apply:

(1) Meetings of the board may be called by the chair of the board or the president or any vice president or the secretary or any two directors.

(2) Regular meetings of the board may be held without notice if the time and place of the meetings are fixed by the bylaws or the board. Special meetings of the board shall be held upon four days' notice by first-class mail or 48 hours' notice delivered personally or by telephone, including a voice messaging system or by electronic transmission by the corporation ([Section 20](#)). The articles or bylaws may not dispense with notice of a special meeting. A notice, or waiver of notice, need not specify the purpose of any regular or special meeting of the board.

(3) Notice of a meeting need not be given to a director who provided a waiver of notice or consent to holding the meeting or an approval of the minutes thereof in writing, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to that director. These waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meetings.

(4) A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. If the meeting is adjourned for more than 24 hours, notice of an adjournment to another time or place shall be given prior to the time of the adjourned meeting to the directors who were not present at the time of the adjournment.

(5) Meetings of the board may be held at a place within or without the state that has been designated in the notice of the meeting or, if not stated in the notice or if there is no notice, designated in the bylaws or by resolution of the board.

(6) Directors may participate in a meeting through use of conference telephone, electronic video screen communication, or electronic transmission by and to the corporation ([Sections 20](#) and [21](#)). Participation in a meeting through use of conference telephone or electronic video screen communication pursuant to this subdivision constitutes presence in person at that meeting as long as all directors participating in the meeting are able to hear one another. Participation in a meeting through use of electronic transmission by and to the corporation, other than conference telephone and electronic video screen communication, pursuant to this subdivision constitutes presence in person at that meeting if both of the following apply:

(A) Each director participating in the meeting can communicate with all of the other directors concurrently.

(B) Each director is provided the means of participating in all matters before the board, including, without limitation, the capacity to propose, or to interpose an objection to, a specific action to be taken by the corporation.

(7) A majority of the number of directors authorized in or pursuant to the articles or bylaws constitutes a quorum of the board for the transaction of business. The articles or bylaws may require the presence of one or more specified directors in order to constitute a quorum of the board to transact business, as long as the death or nonexistence of a specified director or the death or nonexistence of the person or persons otherwise authorized to appoint or designate that director does not prevent the corporation from transacting business in the normal course of events. The articles or bylaws may not provide that a quorum shall be less than one-fifth the number of directors authorized in or pursuant to the articles or bylaws, or less than two, whichever is larger, unless the number of directors authorized in or pursuant to the articles or bylaws is one, in which case one director constitutes a quorum.

(8) Subject to the provisions of [Sections 7212](#) , [7233](#) , [7234](#), and subdivision (e) of [Section 7237](#) and [Section 5233](#) , insofar as it is made applicable pursuant to [Section 7238](#) , an act or decision done or made by a majority of the directors present

at a meeting duly held at which a quorum is present is the act of the board. The articles or bylaws may not provide that a lesser vote than a majority of the directors present at a meeting is the act of the board. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for that meeting, or a greater number required by this division, the articles or the bylaws.

(b) An action required or permitted to be taken by the board may be taken without a meeting if all directors individually or collectively consent in writing to that action and if, subject to [subdivision \(a\) of Section 7224](#), the number of directors then in office constitutes a quorum. The written consent or consents shall be filed with the minutes of the proceedings of the board. The action by written consent shall have the same force and effect as a unanimous vote of the directors. For purposes of this subdivision only, "all directors" does not include an "interested director" as defined in [subdivision \(a\) of Section 5233](#), insofar as it is made applicable pursuant to [Section 7238](#) or described in [subdivision \(a\) of Section 7233](#), or a "common director" as described in [subdivision \(b\) of Section 7233](#) who abstains in writing from providing consent, where (1) the facts described in [paragraph \(2\) or \(3\) of subdivision \(d\) of Section 5233](#) are established or the provisions of [paragraph \(1\) or \(2\) of subdivision \(a\) of Section 7233](#) or in [paragraph \(1\) or \(2\) of subdivision \(b\) of Section 7233](#) are satisfied, as appropriate, at or prior to execution of the written consent or consents; (2) the establishment of those facts or satisfaction of those provisions, as applicable, is included in the written consent or consents executed by the noninterested directors or noncommon directors or in other records of the corporation; and (3) the noninterested directors or noncommon directors, as applicable, approve the action by a vote that is sufficient without counting the votes of the interested directors or common directors.

(c) Each director shall have one vote on each matter presented to the board of directors for action. No director may vote by proxy.

(d) This section applies also to incorporators, to committees of the board, and to action by those incorporators or committees mutatis mutandis.

11. California Code, Corporations Code - CORP § 7340

(a) A member may resign from membership at any time, although the articles or bylaws may require reasonable notice before the resignation is effective.

(b) This section shall not relieve the resigning member from any obligation for charges incurred, services or benefits actually rendered, dues, assessments or fees, or arising from contract, a condition to ownership of land, an obligation arising out of the ownership of land, or otherwise, and this section shall not diminish any right of the corporation to enforce any such obligation or obtain damages for its breach.

(c) A membership issued for a period of time shall expire when such period of time has elapsed unless the membership is renewed.

12. California Code, Corporations Code - CORP § 7341

(a) No member may be expelled or suspended, and no membership or memberships may be terminated or suspended, except according to procedures satisfying the requirements of this section. An expulsion, termination or suspension not in accord with this section shall be void and without effect.

(b) Any expulsion, suspension, or termination must be done in good faith and in a fair and reasonable manner. Any procedure which conforms to the requirements of subdivision (c) is fair and reasonable, but a court may also find other procedures to be fair and reasonable when the full circumstances of the suspension, termination, or expulsion are considered.

(c) A procedure is fair and reasonable when:

(1) The provisions of the procedure have been set forth in the articles or bylaws, or copies of such provisions are sent annually to all the members as required by the articles or bylaws;

(2) It provides the giving of 15 days' prior notice of the expulsion, suspension or termination and the reasons therefor; and

(3) It provides an opportunity for the member to be heard, orally or in writing, not less than five days before the effective date of the expulsion, suspension or termination by a person or body authorized to decide that the proposed expulsion, termination or suspension not take place.

(d) Any notice required under this section may be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or registered mail sent to the last address of the members shown on the corporation's records.

(e) Any action challenging an expulsion, suspension or termination of membership, including any claim alleging defective notice, must be commenced within one year after the date of the expulsion, suspension or termination. In the event such an action is successful the court may order any relief, including reinstatement, it finds equitable under the circumstances, but no vote of the members or of the board may be set aside solely because a person was at the time of the vote wrongfully excluded by virtue of the challenged expulsion, suspension or termination, unless the court finds further that the wrongful expulsion, suspension or termination was in bad faith and for the purpose, and with the effect, of wrongfully excluding the member from the vote or from the meeting at which the vote took place, so as to affect the outcome of the vote.

(f) This section governs only the procedures for expulsion, suspension or termination and not the substantive grounds therefor. An expulsion, suspension or termination based upon substantive grounds which violate contractual or other rights of the member or are otherwise unlawful is not made valid by compliance with this section.

(g) A member who is expelled or suspended or whose membership is terminated shall be liable for any charges incurred, services or benefits actually rendered, dues, assessments or fees incurred before the expulsion, suspension or termination or arising from contract or otherwise.

13. California Code, Corporations Code - CORP § 7710

(a) Subdivisions (c) through (f) notwithstanding, no motion to require a bond shall be granted in an action brought by 100 members or the authorized number ([Section 5036](#)), whichever is less.

(b) No action may be instituted or maintained in the right of any corporation by any member of such corporation unless both of the following conditions exist:

(1) The plaintiff alleges in the complaint that plaintiff was a member at the time of the transaction or any part thereof of which plaintiff complains, or that plaintiff's membership thereafter devolved upon plaintiff by operation of law from a holder who was a holder at the time of transaction or any part thereof complained of; and

(2) The plaintiff alleges in the complaint with particularity plaintiff's efforts to secure from the board such action as plaintiff desires, or the reasons for not making such effort, and alleges further that plaintiff has either informed the corporation or the board in writing of the ultimate facts of each cause of action against each defendant or delivered to the corporation or the board a true copy of the complaint which plaintiff proposes to file.

(c) Subject to subdivision (a), in any action referred to in subdivision (b), at any time within 30 days after service of summons upon the corporation or upon any defendant who is an officer or director of the corporation, or held such office at the time of the acts complained of, the corporation or such defendant may move the court for an order, upon notice and hearing, requiring the plaintiff to furnish a bond as hereinafter provided. The motion shall be based upon one or both of the following grounds:

(1) That there is no reasonable possibility that the prosecution of the cause of action alleged in the complaint against the moving party will benefit the corporation or its members economically or otherwise.

(2) That the moving party, if other than the corporation, did not participate in the transaction complained of in any capacity.

The court on application of the corporation or any defendant may, for good cause shown, extend the 30-day period for an additional period or periods not exceeding 60 days.

(d) At the hearing upon any motion pursuant to subdivision (c), the court shall consider such evidence, written or oral, by witnesses or affidavit, as may be material (1) to the ground or grounds upon which the motion is based, or (2) to a determination of the

probable reasonable expenses, including attorneys' fees, of the corporation and the moving party which will be incurred in the defense of the action. If the court determines, after hearing the evidence adduced by the parties, that the moving party has established a probability in support of any of the grounds upon which the motion is based, the court shall fix the amount of the bond, not to exceed fifty thousand dollars (\$50,000), to be furnished by the plaintiff for reasonable expenses, including attorneys' fees, which may be incurred by the moving party and the corporation in connection with the action, including expenses for which the corporation may become liable pursuant to [Section 7237](#) . A ruling by the court on the motion shall not be a determination of any issue in the action or of the merits thereof. If the court, upon any such motion, makes a determination that a bond shall be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the bond required by the court has been furnished within such reasonable time as may be fixed by the court.

(e) If the plaintiff shall, either before or after a motion is made pursuant to subdivision (c), or any order or determination pursuant to such motion, furnish a bond or bonds in the aggregate amount of fifty thousand dollars (\$50,000) to secure the reasonable expenses of the parties entitled to make the motion, the plaintiff has complied with the requirements of this section and with any order for a bond theretofore made, and any such motion then pending shall be dismissed and no further or additional bond shall be required.

(f) If a motion is filed pursuant to subdivision (c), no pleadings need be filed by the corporation or any other defendant and the prosecution of the action shall be stayed until 10 days after the motion has been disposed of.

14. California Code, Corporations Code - CORP § 7813

An amendment must also be approved by the members ([Section 5034](#)) of a class, whether or not such class is entitled to vote thereon by the provisions of the articles or bylaws, if the amendment would:

- (a) Materially and adversely affect the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption or transfer in a manner different than such action affects another class;
- (b) Materially and adversely affect such class as to voting, dissolution, redemption or transfer by changing the rights, privileges, preferences, restrictions or conditions of another class;
- (c) Increase or decrease the number of memberships authorized for such class;
- (d) Increase the number of memberships authorized for another class;
- (e) Effect an exchange, reclassification or cancellation of all or part of the memberships of such class; or

BERB Received
12/01/22 12:58 PM
(f) Authorize a new class of memberships.

15. California Code, Corporations Code - CORP § 5034

"Approval by (or approval of) the members" means approved or ratified by the affirmative vote of a majority of the votes represented and voting at a duly held meeting at which a quorum is present (which affirmative votes also constitute a majority of the required quorum) or written ballot in conformity with [Section 5513](#) , [7513](#) , or [9413](#) or by the affirmative vote or written ballot of such greater proportion, including all of the votes of the memberships of any class, unit, or grouping of members as may be provided in the bylaws ([subdivision \(e\) of Section 5151](#) , [subdivision \(e\) of Section 7151](#) , or [subdivision \(e\) of Section 9151](#)) or in Part 2, Part 3, Part 4 or Part 5 for all or any specified member action.

16. California Code, Corporations Code - CORP § 8333

The accounting books and records and minutes of proceedings of the members and the board and committees of the board shall be open to inspection upon the written demand on the corporation of any member at any reasonable time, for a purpose reasonably related to such person's interests as a member.

PERB Received
12/01/22 12:58 PM

EXHIBIT K-Suspension & HR1 letters

BERB Received
12/01/22 12:58 PM



February 25, 2022

Via Email

ssa_dave04@hotmail.com;

Djimenez@seiu1000.org &

Certified Mail

7020 2450 0001 2112 3495

David Jimenez
Vice President/Secretary Treasurer
SEIU Local 1000
1808 14th Street
Sacramento, CA 95818

RE: SUSPENSION OF OFFICER DUTIES

Dear Mr. Jimenez,

It has come to my attention that you have met with and provided confidential information to Board of Director Bill Hall in an effort to remove me from my position without any just cause or legal right.

It is my opinion that the above actions pose an immediate threat to the welfare of Local 1000. Therefore, you are hereby suspended under the authority of Local 1000 Policy file section 9.0.03 which states "When, in the opinion of the President, the actions of the member are such as to impose an immediate threat to the welfare of Local 1000, the President may summarily suspend the member until the procedures established in the Policy File are concluded. If written charges are not filed within ten days, the suspension shall be terminated."

You are to conduct no Local 1000 business while on suspension.

Sincerely,

A handwritten signature in black ink that reads "Richard Louis Brown".

Richard Louis Brown
President
SEIU Local 1000
1808 14th St. Sacramento, CA 95811
RLBrown@seiu1000.org

RICHARD
LOUIS BROWN
President

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

IRENE GREEN
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION
SOC, CLC

1808 14th Street
Sacramento, CA 95811

866.471.SEIU (7348)
www.seiu1000.org



SEIU LOCAL 1000 HEARING REQUEST FORM (HR1) (Complaint for Discipline by a Member against another Member)

Your Name: DLC/Region: Richard Louis Brown

Bargaining Unit: State Department: Bargaining Unit 1; Debt and Investment Advisory Commission

Mailing Address: 3225 43rd Street, Sacramento CA 95817

Work Phone: 408-207-2339

Home Phone: 408-207-2339

Complaint Against: David Jimenez

SEIU Local 1000/DLC/BUNC Position (i.e., member, DLC President, etc.) Vice President/Secretary Treasurer

Policy File Section(s) violated (see Section 9.0.00 et seq. of SEIU Local 1000 Policy File) 9.0.00 DISCIPLINE 9.0.01 Criteria and Procedures for Disciplinary Action Disciplinary action may be taken for the following reasons: (k) Behavior which is determined by the hearing panel or officer to be of such a nature that it causes discredit to Local 1000;

Nature Problem (include specifics – e.g. dates, times, etc. – attach additional sheets if necessary): On Wednesday, February 23, 2022 at 6:08pm an email was sent out exposing that David Jimenez was attempting to remove myself, Richard Louis Brown, the President of Local 1000 from my office without any just cause or legal right. This behavior is leading to the discredit of Local 1000.

Witnesses/Documents – please list all witnesses (name and phone number) and relevant documents in your possession: Email from Theresa Taylor to myself on Wednesday, February 23, 2022 at 6:08pm regarding the above mentioned matter. Email from David Jimenez on Thursday February 24, 2022 at 11:09am.

Headquarters Information:

Date Received: _____ Local 1000 President/Vice Pres.-Sec. Treasurer: _____

Referred to Hearing Officer/Panel on: _____

Hearing Officer/Panel Assigned: _____

Date/Time/Location of Hearing: _____

SEIU Local 1000 Action/Date: _____

EXHIBIT K, page 3

PERB Received
12/01/22 12:58 PM

Disposition Letter Mailed:

From:
Sent:
To:
Subject:

From: David Jimenez <ssa_dave04@hotmail.com>

Sent: Thursday, February 24, 2022 11:09 AM

To: Theresa Taylor <thetav456@gmail.com>; leonard.seitz@dot.ca.gov; Andrew Vasicek <andrewvasicek@gmail.com>; Angelique Moreno <angeliquems@aol.com>; Bill Hall <william.r.hall@dot.ca.gov>; Brad Willis <mojavekroc@msn.com>; Brown, Richard <RLBro wn@SEI UI OOO.org>; Carolelynn Leonardo-Valdriz <caroleseiu1000@gmail.com>; Carolyn Leonardo-Valdriz <cleonardo23@gmail.com>; Charity Regalado <lakersqvrll@yahoo.com>; Christina Evitt <christinadlc751@gmail.com>; Cindy Doyel <CindyDoyelUnion@gmail.com>; Cullen <cullenkral@gmail.com>; Cynthia Vo <risewithlabor@gmail.com>; Darrell Kirby <EXCTME@AO L.COM>; Daunette Sparkman <bigdtiggerds69@yahoo.co m>; David Johnson <davidriohanson055@gmail.com>; David Smith <yourunion2019@gmail.co m>; DeLeon Secrest <his_story186_5@yahoo.co m>; DeLonne Johnson <delonneli@frontiernet.net>; ED Page <dv8yingvang@gmail.com>; Irene Greene <ireneseiu1000@gmail.com>; Eileen Boughton <Dlc789pres@outlook.com>; Erika Chhatarpal <whit emamba .ev@gmai l.com>; Francina Stevenson <rocina@frontiernet.net>; Garth Underwood <seiu dlc710dbur@yahoo.com>; Heather Kessler <president.dlc788@gmail.com>; Hoang-Van 'Van' Nguyen <van.nguyen_seiu1000@outlook.com>; Imani Dhahabu <ijdhahabu@yahoo.com>; Jack Dean <seiujack.dean@gmail.com>; Jennifer Cordova <cordmama@live.com>; Jerome Washington <Jerome_wash@sbcglobal.net>; Joycelyn Odom <jbetboopin3@gmail.com>; Karen Franklin <KarenFranklin121@gmail.com>; Karen Jefferies <kjefferies08@gmail.com>; Kerri Riley <kerricriley@icloud.com>; Kevin Healy <healy km @hotma il.com>; Kim Coward <coward12568@gmail.com>; Latasha Brown <lat jin@hotmail.com>; Leonard Seitz <seitz l@pacbell.net>; Lisa Davis <kcywmom@y ah oo.co m>; Maria Blaine <mariablaine39@gmail.com>; Mary De La Cruz <mdlc056@gmail.com>; Miehe Roy <MSMRoy1976@Gmail.com>; Melissa Del Rosario <Mistyde lrosario3@hotmail.co m>; Monica Rodriguez <moneyrodriguez@hotmail.com>; Nancy Martinez(Contact) <nancymartinez_6@hotmail.com>; Naomi Musembi-Johnson <musembi.rn@gmail.com>; Neice Davis <neice_davis@yahoo.com>; Ramon Naverrette <dlc747president@gmail.com>; Richard Wake <rwake61@yahoo.com>; Robert Gilbert <rgilbert.seiu1000@gmail.com>; Ruth Ibarra <dlc787_president@gmail.c om>; Ruth Kiker <ruthkiker@charter.net>; Shrhonda Ward <seiulocal1000dlc766@gmail.com>; Steven Alari <membersfirst@gmail.com>; Susan Rodriguez <rodriguezsusan@hotmail.com>; Tetence Hibbard <terrygh50@hotmail.l.com>; Tommy Rico <trico60@hotmail.com>; Walls, Anica <awalls@SEIU IOOO.org>; Wanda Yanez <learnwisdom@sbcglobal.net>; eric murray03@msn.com; vseastrongseiu@gmail.com; xicanery@hotmail.com; chair .seiuO00 <chair.seiu1000@gmail.com>; Nicole Solovskoy <dlc770president@gmail.com>

Subject: Fw: Update to follow

Good Morning all!

Let us set the record straight. The email sent out yesterday evening by Theresa Taylor for Bill Hall is mostly inaccurate. Over the past week and a half there have been disturbing discoveries communicated to us by both staff and members. Here are the facts:

- A unilateral directive was issued late last week to the URC Staff notifying them of changes that would take place immediately. Since then there have been modifications but there is still MUCH confusion over who is to act and when.
- Legal matters have escalated and Local 1000 is faced with four lawsuits. The Executive Committee is being intentionally excluded when there is an obvious conflict of interest.

It is these two reasons we reached out to VP Irene Green on Tuesday. Irene expressed that this information was not totally new to her but she would need time to process the information and was not willing to sign on for suspension. In spite of the latest developments:

- Staff taking concerted action in response to new URC directives. On Tuesday 2/22/22 64% of staff called out.
- Increase escalation with now 75% of staff called out on 2/23/22.
- Settlement talks were offered on two of four lawsuits with no notice to Executive Committee. This will potentially add significant costs to Local 1000.

In trying to make the best decision for our members and our local we attempted to reach out to Bill Hall so he could perhaps nudge Irene to act. His "position" was that he advised Irene not to sign. He wanted us to publicly acknowledge the actions of the supposed board meeting that took place in October 2021. We refused and said we DO NOT agree with the October board meeting and that once Irene signed the document to suspend Richard we would call an emergency board meeting to address two items. 1) The suspension and 2) the agenda items put forth in October. We want the entire board under no threats, to review, discussion and take a vote. The results of which would be honored by us. We do not feel going back to that confusing period and just accepting these changes to our policy file and bylaws is appropriate.

We do not agree with Bill Hall's legal assessment that to finalize the suspension of the President per Article 9.0.04 we must go to court. Our policy file clearly outlines a path that allows for temporary suspending the statewide president and there are clear lines of succession as well. A court would first consider that the administrative procedures were followed or at least attempted.

To our knowledge a successful suspension of the local president has never been done before. The attempt made in 2018 on the prior local president was done during a board meeting and was not successful because the board did not support it, including Bill Hall. As stated correctly this would not remove Richard from the board, which is understood and is not the primary objective. Our goal is to stop Richard from causing further damage to our represented employees and staff through his unilateral actions.

These discussions and actions have not been easy. Our intension has always been to get the necessary work done with Richard as president. We have tried to advice and counsel him on decisions based on our experiences as union member leaders. It is our responsibility to hold him accountable and based on the recent information coming to light that is our intent. The failure to act by VP Irene Green and the position Bill Hall has taken, indicate to us this was never about Richard but rather an unwillingness to accept the results of the election. Their focus on us accepting the results of the October meeting and placing Bill Hall or any chairman at the helm of the Local 1000 with no direct vote from the entire membership is troubling to say the least, especially when all executive officers are directly elected from the entire membership.

In Solidarity,

David Jimenez
VP/Secretary Treasurer
SEIU Local 1000
(916)690-7418

Anica Walls
VP Representation/Organizing
SEIU Local 1000
(916)804-5338

On Feb 23, 2022, at 6:00 PM, Theresa Taylor <thetay456@gmail.com> wrote:

Hi folks! Bill Hall asked me to send this out to the Board of Directors for him.
Theresa Taylor

I wanted to give everyone a real-time update . It has been a little crazy right now.

VP Anica and David called me today and they felt there was no time to waste to get rid of Richard Louis Brown and remove him using the Policy File Article 9.0.04 *Suspension of President*, which provides:

"If, in the opinion of the Vice President/Secretary-Treasurer, Vice President for Organizing/Representation, and Vice President for Bargaining, the action of the President is such as to pose an immediate threat to the welfare of Local 1000, the other Officers may lawfully suspend the President until the procedures established in the Policy File are concluded. If written charges are not filed within ten days, the suspension is terminated."

Unfortunately they don't truly understand how Article 9.0.04 works in that the three VPs would still have to go to court to finalize this action. We have been down that road before and it was ineffective in the short term . Further , it is just a suspension of the president not his removal.

As President Brown has done in the past , he can , and likely will , just ignore the requirements of the Policy File , which in this case would result in his immediate suspension. This leaves SEIU Local 1000 and its members vulnerable for the ongoing misconduct and waste of union resources. However there is light at the end of the tunnel. We are on track and have a plan to protect SEIU Local 1000, consistent with the decision of the majority of the Board back in October 2021 .

Our timeline is to be in the Sacramento Superior Court by the middle of next week on an urgent hearing to get this resolved. While he would likely ignore the three VPs , President Brown cannot ignore the power of a Court Order , and we are on track to get that protective order.

VPs David Jimenez and Anica Walls may call for a special board meeting as they are in damage control mode after supporting Brown , to date. They do not support or agree with the Board Action of October 17, and 18 , 2021 .

EXHIBIT K, page 7

BERB Received
12/01/22 12:58 PM

Through solidarity, we can get back on track for the protection of our members and our union. I am with you.

William "Bill" Hall
Chair of the Board
SEIU Local 1000

BERB Received
12/01/22 12:58 PM



February 25, 2022

Via Email

Anica.g.walls@gmail.com;

Awalls@seiu1000.org &

Certified Mail

7020 2450 0001 2112 3501

Anica Walls
Vice President for Organizing/Representation
SEIU Local 1000
1808 14th Street
Sacramento, CA 95818

RE: **SUSPENSION OF OFFICER DUTIES**

Dear Ms. Walls,

It has come to my attention that you have met with and provided confidential information to Board of Director Bill Hall in an effort to remove me from my position without any just cause or legal right.

It is my opinion that the above actions pose an immediate threat to the welfare of Local 1000. Therefore, you are hereby suspended under the authority of Local 1000 Policy file section 9.0.03 which states "When, in the opinion of the President, the actions of the member are such as to impose an immediate threat to the welfare of Local 1000, the President may summarily suspend the member until the procedures established in the Policy File are concluded. If written charges are not filed within ten days, the suspension shall be terminated."

You are to conduct no Local 1000 business while on suspension.

Sincerely,

Richard Louis Brown
President
SEIU Local 1000
1808 14th St. Sacramento, CA 95811
RLBrown@seiu1000.org

RICHARD
LOUIS BROWN
President

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

IRENE GREEN
Vice President for Bargaining

SERVICE EMPLOYEES
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SOC, CLC

1808 14th Street
Sacramento, CA 95811

866.471.SEIU (7348)
www.seiu1000.org

BERB Received
12/01/22 12:58 PM



SEIU LOCAL 1000 HEARING REQUEST FORM (HR1) (Complaint for Discipline by a Member against another Member)

Your Name: DLC/Region: Richard Louis Brown

Bargaining Unit: State Department: Bargaining Unit 1; Debt and Investment Advisory Commission

Mailing Address: 3225 43rd Street, Sacramento CA 95817

Work Phone: 408-207-2339

Home Phone: 408-207-2339

Complaint Against: Anica Walls

SEIU Local 1000/DLC/BUNC Position (i.e., member, DLC President, etc.) Vice President for Organizing/Representation

Policy File Section(s) violated (see Section 9.0.00 et seq. of SEIU Local 1000 Policy File) 9.0.00 DISCIPLINE 9.0.01 Criteria and Procedures for Disciplinary Action Disciplinary action may be taken for the following reasons: (k) Behavior which is determined by the hearing panel or officer to be of such a nature that it causes discredit to Local 1000;

Nature Problem (include specifics – e.g. dates, times, etc. – attach additional sheets if necessary): On Wednesday, February 23, 2022 at 6:08pm an email was sent out exposing that Anica Walls was attempting to remove myself, Richard Louis Brown, the President of Local 1000 from my office without any just cause or legal right. This behavior is leading to the discredit of Local 1000.

Witnesses/Documents – please list all witnesses (name and phone number) and relevant documents in your possession: Email from Theresa Taylor to myself on Wednesday, February 23, 2022 at 6:08pm regarding the above mentioned matter. Email from David Jimenez on Thursday February 24, 2022 at 11:09am.

Headquarters Information:

Date Received: _____ Local 1000 President/Vice Pres.-Sec. Treasurer:

Referred to Hearing Officer/Panel on:

Hearing Officer/Panel Assigned:

Date/Time/Location of Hearing:

SEIU Local 1000 Action/Date:

EXHIBIT K, page 10

PERB Received
12/01/22 12:58 PM

Disposition Letter Mailed:

[REDACTED]

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: [REDACTED]

From: David Jimenez <ssa_dave04@hotmail.com>

Sent: Thursday, February 24, 2022 11:09 AM

To: Theresa Taylor <thetav456@gmail.com>; Leonard Seitz <leonard.seitz@dot.ca.gov>; Andrew Vasicek <andrewvasicek@gmail.com>; Angelique Moreno <angeliquems@aol.com>; Bill Hall <william.r.hall@dot.ca.gov>; Brad Willis <mojavekroc@msn.com>; Brown, Richard <RLBro wn@SEI UI OOO.org>; Carolelynn Leonardo-Valdriz <caroleseiu1000@gmail.com>; Carolyn Leonardo-Valdriz <cleonardo23@gmail.com>; Charity Regalado <lakersqyrl@yahoo.com>; Christina Evitt <christinadlc751@gmail.com>; Cindy Doyel <CindyDoyelUnion@gmail.com>; Cullen <cullenkral@gmail.com>; Cynthia Vo <risewithlabor@gmail.com>; Darrell Kirby <EXCTME@AO L.COM>; Daunette Sparkman <bigdtiggerds69@yahoo.co m>; David Johnson <davidriohanson055@gmail.com>; David Smith <yourunion2019@gmail.co m>; DeLeon Secrest <his_story186_5@yahoo.co m>; DeLonne Johnson <delonneli@frontiernet.net>; ED Page <dv8yingvang@gmail.com>; Irene Greene <ireneseiu1000@gmail.com>; Eileen Boughton <Dlc789pres@outlook.com>; Erika Chhatarpal <whit emamba .ev@gmai l.com>; Francina Stevenson <rocina@frontiernet.net>; Garth Underwood <seiu dlc710dbur@yahoo.com>; Heather Kessler <president.dlc788@gmail.com>; Hoang-Van 'Van' Nguyen <van.nguyen_seiu1000@outlook.com>; Imani Dhahabu <sjdhahabu@yahoo.com>; Jack Dean <seiujack.dean@gmail.com>; Jennifer Cordova <cordmama@live.com>; Jerome Washington <Jerome wash@sbcglobal.net>; Joycelyn Odom <jbetboopin3@gmail.com>; Karen Franklin <KarenFranklin121@gmail.com>; Karen Jefferies <kjefferies08@gmail.com>; Kerri Riley <kerricriley@icloud.com>; Kevin Healy <healy km @hotma il.com>; Kim Coward <coward12568@gmail.com>; Latasha Brown <lat jin@hotmail.com>; Leonard Seitz <seitz l@pacbell.net>; Lisa Davis <kcvwmom@y ah oo.co m>; Maria Blaine <mariablaine39@gmail.com>; Mary De La Cruz <mdlc056@gmail.com>; Mieh Roy <MSMRoy1976@Gmail.com>; Melissa Del Rosario <Mistyde lrosario3@hotmail.co m>; Monica Rodriguez <moneyrodriguez@hotmail.com>; Nancy Martinez(Contact) <nancymartinez_6@hotmail.com>; Naomi Musembi-Johnson <musembi.rn@gmail.com>; Neice Davis <neice_davis@yahoo.com>; Ramon Naverrette <dlc747president@gmail.com>; Richard Wake <rwake61@yahoo.com>; Robert Gilbert <rgilbert.seiu1000@gmail.com>; Ruth Ibarra <dlc787_president@gmail.c om>; Ruth Kiker <ruthkiker@charter.net>; Shrhonda Ward <seiu local1000dlc766@gmail.com>; Steven Alari <membersfirst@gmail.com>; Susan Rodriguez <rodriguez susan@hotmail.com>; Tetence Hibbard <terrygh50@hotmail.l.com>; Tommy Rico <trico60@hotmail.com>; Walls, Anica <awalls@SEIU IOOO.org>; Wanda Yanez <learnwisdom@sbcglobal.net>; eric.murray03@msn.com; vseastrongseiu@gmail.com; xicanery@hotmail.com; chair.seiu1000@gmail.com; Nicole Solovskoy <dlc770president@gmail.com>

Subject: Fw: Update to follow

Good Morning all!

Let us set the record straight. The email sent out yesterday evening by Theresa Taylor for Bill Hall is mostly inaccurate. Over the past week and a half there have been disturbing discoveries communicated to us by both staff and members. Here are the facts:

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David Jimenez
VP/Secretary Treasurer
SEIU Local 1000
(916)690-7418

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SEIU Local 1000
(916)804-5338

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EXHIBIT K, page 14

PEBB Received
12/01/22 12:58 PM

Through solidarity, we can get back on track for the protection of our members and our union. I am with you.

William "Bill" Hall
Chair of the Board
SEIU Local 1000

BERB Received
12/01/22 12:58 PM



February 25, 2022

Via Email

ireneseiu1000@gmail.com;

igreen@seiu1000.org &

Certified Mail

7020 2450 0001 2112 3525

Irene Green
Vice President for Bargaining
SEIU Local 1000
1808 14th Street
Sacramento, CA 95818

RICHARD
LOUIS BROWN
President

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

IRENE GREEN
Vice President for Bargaining

RE: SUSPENSION OF OFFICER DUTIES

Dear Ms. Green,

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It is my opinion that the above actions pose an immediate threat to the welfare of Local 1000. Therefore, you are hereby suspended under the authority of Local 1000 Policy file section 9.0.03 which states "When, in the opinion of the President, the actions of the member are such as to impose an immediate threat to the welfare of Local 1000, the President may summarily suspend the member until the procedures established in the Policy File are concluded. If written charges are not filed within ten days, the suspension shall be terminated."

You are to conduct no Local 1000 business while on suspension.

Sincerely,

Richard Louis Brown
President
SEIU Local 1000
1808 14th St. Sacramento, CA 95811
RLBrown@seiu1000.org

SERVICE EMPLOYEES
INTERNATIONAL UNION
SOC, CLC

1808 14th Street
Sacramento, CA 95811

866.471.SEIU (7348)
www.seiu1000.org

EXHIBIT K, page 16



SEIU LOCAL 1000 HEARING REQUEST FORM (HR1) (Complaint for Discipline by a Member against another Member)

Your Name: DLC/Region: Richard Louis Brown

Bargaining Unit: State Department: Bargaining Unit 1; Debt and Investment Advisory Commission

Mailing Address: 3225 43rd Street, Sacramento CA 95817

Work Phone: 408-207-2339

Home Phone: 408-207-2339

Complaint Against: Irene Green

SEIU Local 1000/DLC/BUNC Position (i.e., member, DLC President, etc.) Vice President for Bargaining

Policy File Section(s) violated (see Section 9.0.00 et seq. of SEIU Local 1000 Policy File) 9.0.00 DISCIPLINE 9.0.01 Criteria and Procedures for Disciplinary Action Disciplinary action may be taken for the following reasons: (k) Behavior which is determined by the hearing panel or officer to be of such a nature that it causes discredit to Local 1000;

Nature Problem (include specifics – e.g. dates, times, etc. – attach additional sheets if necessary): On Wednesday, February 23, 2022 at 6:08pm an email was sent out exposing that Irene Green was attempting to remove myself, Richard Louis Brown, the President of Local 1000 from my office without any just cause or legal right. This behavior is leading to the discredit of Local 1000.

Witnesses/Documents – please list all witnesses (name and phone number) and relevant documents in your possession: Email from Theresa Taylor to myself on Wednesday, February 23, 2022 at 6:08pm regarding the above mentioned matter. Email from David Jimenez on Thursday February 24, 2022 at 11:09am.

Headquarters Information:

Date Received: _____ Local 1000 President/Vice Pres.-Sec. Treasurer: _____

Referred to Hearing Officer/Panel on: _____

Hearing Officer/Panel Assigned: _____

Date/Time/Location of Hearing: _____

SEIU Local 1000 Action/Date: _____

Disposition Letter Mailed: _____

[REDACTED]

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: [REDACTED]

From: David Jimenez <ssa_dave04@hotmail.com>

Sent: Thursday, February 24, 2022 11:09 AM

To: Theresa Taylor <thetav456@gmail.com>; Leonard Seitz <leonard.seitz@dot.ca.gov>; Andrew Vasicek <andrewvasicek@gmail.com>; Angelique Moreno <angeliquems@aol.com>; Bill Hall <william.r.hall@dot.ca.gov>; Brad Willis <mojavekroc@msn.com>; Brown, Richard <RLBro wn@SEIU IOOO.org>; Carolelynn Leonardo-Valdriz <caroleseiu1000@gmail.com>; Carolyn Leonardo-Valdriz <cleonardo23@gmail.com>; Charity Regalado <lakersqyrl@yahoo.com>; Christina Evitt <christinadlc751@gmail.com>; Cindy Doyel <CindyDoyelUnion@gmail.com>; Cullen <cullenkral@gmail.com>; Cynthia Vo <risewithlabor@gmail.com>; Darrell Kirby <EXCTME@AO L.COM>; Daunette Sparkman <bigdtiggerds69@yahoo.co m>; David Johnson <davidriohanson055@gmail.com>; David Smith <yourunion2019@gmail.co m>; DeLeon Secrest <his_story186_5@yahoo.co m>; DeLonne Johnson <delonneli@frontiernet.net>; ED Page <dv8yingvang@gmail.com>; Irene Greene <ireneseiu1000@gmail.com>; Eileen Boughton <Dlc789pres@outlook.com>; Erika Chhatarpal <whit emamba .ev@gmai l.com>; Francina Stevenson <rocina@frontiernet.net>; Garth Underwood <seiu dlc710dbur@yahoo.com>; Heather Kessler <president.dlc788@gmail.com>; Hoang-Van 'Van' Nguyen <van.nguyen_seiu1000@outlook.com>; Imani Dhahabu <sjdhahabu@yahoo.com>; Jack Dean <seiujack.dean@gmail.com>; Jennifer Cordova <cordmama@live.com>; Jerome Washington <Jerome wash@sbcglobal.net>; Joycelyn Odom <jbetboopin3@gmail.com>; Karen Franklin <KarenFranklin121@gmail.com>; Karen Jefferies <kjefferies08@gmail.com>; Kerri Riley <kerricriley@icloud.com>; Kevin Healy <healy km @hotma il.com>; Kim Coward <coward12568@gmail.com>; Latasha Brown <lat jin@hotmail.com>; Leonard Seitz <seitz l@pacbell.net>; Lisa Davis <kcvwmom@y ah oo.co m>; Maria Blaine <mariablaine39@gmail.com>; Mary De La Cruz <mdlc056@gmail.com>; Mieh Roy <MSMRoy1976@Gmail.com>; Melissa Del Rosario <Mistyde lrosario3@hotmail.co m>; Monica Rodriguez <moneyrodriguez@hotmail.com>; Nancy Martinez(Contact) <nancymartinez_6@hotmail.com>; Naomi Musembi-Johnson <musembi.rn@gmail.com>; Neice Davis <neice_davis@yahoo.com>; Ramon Naverrette <dlc747president@gmail.com>; Richard Wake <rwake61@yahoo.com>; Robert Gilbert <rgilbert.seiu1000@gmail.com>; Ruth Ibarra <dlc787_president@gmail.c om>; Ruth Kiker <ruthkiker@charter.net>; Shrhonda Ward <seiu local1000dlc766@gmail.com>; Steven Alari <membersfirst@gmail.com>; Susan Rodriguez <rodriguezsusan@hotmail.com>; Tetence Hibbard <terrygh50@hotmail.l.com>; Tommy Rico <trico60@hotmail.com>; Walls, Anica <awalls@SEIU IOOO.org>; Wanda Yanez <learnwisdom@sbcglobal.net>; eric.murray03@msn.com; vseastrongseiu@gmail.com; xicanery@hotmail.com; chair .seiu1000 <chair.seiu1000@gmail.com>; Nicole Solovskoy <dlc770president@gmail.com>

Subject: Fw: Update to follow

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In Solidarity,

David Jimenez
VP/Secretary Treasurer
SEIU Local 1000
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EXHIBIT K, page 20

BERB Received
12/01/22 12:58 PM

Through solidarity, we can get back on track for the protection of our members and our union. I am with you.

William "Bill" Hall
Chair of the Board
SEIU Local 1000

2. You have deliberately deprived the Executive Committee of its authority to carry out its duties and roles as set forth in Bylaws, Policy File and applicable law. You have done so by hiding information about the status of lawsuits and denying your fellow officers an opportunity to evaluate how to proceed or whether to settle significant lawsuits in which the Union is named as a defendant and even by hiding from the Executive Committee the existence of one of the lawsuits seeking monetary damages. This failure of transparency and interference with fiduciary review has jeopardized the Union's ability to maintain proper engagement and oversight of those lawsuits and to make fiscally prudent decisions therein. Aggravating your misconduct in this area is that you have misused your role and authority in a manner that benefits your self-interest at the expense of the interests of the Union and its members as well as the members' dues.
3. In defiance of a specific Board mandate designed to conserve our hard-working members' dues and to increase the services they receive from the Union's staff for each dollar they pay in dues, you engaged in act of gross financial malfeasance. In particular, when the Board ratified the UAW staff contract, it contained a change to and reduction of staff days off. You nevertheless unilaterally issued 12 additional paid days off for staff. This fiscal malfeasance may cost the Union in excess of a half million dollars jeopardizing the dues money of its members.
4. You grossly misused the authority of your office when you summarily and without just cause retaliated against the undersigned Vice Presidents by attempting to suspend their memberships. You did so solely for the purpose of entrenching your own power and insulating yourself from an express provision in the Union's governing documents designed to create a check and balance against a President whose actions pose an immediate threat to the welfare of the Union (Policy File 9.0.04). While that attempted suspension was in violation of state law (Corp. Code 7341) and therefore void and of no effect, your attempt demonstrated your willingness to put your own self-interest above the interests of the Union and its members and underscored the threat that you pose to the welfare of the Union. Further, suspending members in this manner has a chilling impact on their willingness and right to freely challenge your misconduct.



Via Email and Personal Delivery

February 27, 2022

Richard Louis Brown
[home address protected]

RICHARD
LOUIS BROWN
President

Dear Mr. Brown:

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

The duly elected Vice Presidents have met and determined to take action pursuant to Policy 9.0.04. This action is to suspend you from the duties of your office effective immediately. This section states as follows:

ANICA WALLS
Vice President for
Organizing/Representation

9.0.04 Suspension of President

IRENE GREEN
Vice President for Bargaining

If, in the opinion of the Vice President/Secretary-Treasurer, Vice President for Organizing/Representation, and Vice President for Bargaining, the action of the President is such as to pose an immediate threat to the welfare of Local 1000, the other Officers may summarily suspend the President until the procedures established in the Policy File are concluded. If written charges are not filed within ten days, the suspension is terminated.

You have taken actions that pose an immediate threat to the welfare of Local 1000. These include but are not limited to:

1. You have willfully failed to hold meetings of the Board of Directors as required by Bylaws and Policy File. Due to this failure, the Union has been operating without the legally required and democratic engagement of a board of directors since approximately August 2021, or a budget since January 1, 2022. In bypassing the Board, you have dismantled the democratic accountability procedures and oversight mechanisms that the Union's governing documents put in place to protect the members' dues monies and to ensure that representatives chosen by the members at the worksite and bargaining-unit level across the State have a voice in the governance of their Union.

SERVICE EMPLOYEES
INTERNATIONAL UNION
SOC, CLC

1808 14th Street
Sacramento, CA 95811

866.471.SEIU (7348)
www.seiu1000.org


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12/01/22 12:58 PM

You have been suspended from the duties of your office effective immediately. In the event that charges are filed, the suspension will continue in effect under the charges are fully adjudicated.

Sincerely,



David Jimenez
Vice President/Secretary-Treasurer



Anica Walls
Vice President for Organizing/Representation



Irene Green
Vice President for Bargaining

EXHIBIT L-Kevin Menager-Facebook post

PERB Received
12/01/22 12:58 PM

Thursday, June 17, 2021

PERB Received
12/01/22 12:58 PM

R

VP Anica, Kevin, +1

0:30 AM

Kevin

Can you give us 90 days
with a new board? Actually,
six months would be the
fairest because when we do
see how he handles the BoD
meeting in December. But in the
meantime he has got to be
silenced from publicly
speaking or be afraid he
unions. If he goes off on his
own in contradiction of the
union, he could/should be
suspended. Those charges
should have to be proclaimed in
order to call a special mtg to
remove him

I hear your concerns. Truly I
do. But the membership
could revolt if he casually
overturns an election

Exhibit M-Anne Giese-text-February
26, 2022 at 10:08 a.m. & March 5,
2022, Local 1000 agreement-NO
BREAK IN.

New iMessage

Cancel

To: Local 1000 Anne Giese

Sat, Feb 26, 1Q:08 AM

Good morning,

On Monday, February 28, 2022, in addition to 1) Yvonne's Cease and Desist letter being emailed and sent by 2 day certified mail after my approval by 2Rm and 2) please also send me the list of hearing officers that have been trained by 10am.

Finally as you may know, to

been trained by 10am.

Finally as you may know, to protect the interest of SEIU Local 1000, I suspended VP for Organizing/Representation, VPs Anica Walls, David Jimenez. and Irene Green on February 25, 2022. So please immediately



iMessage



4:14

5G 

New iMessage

Cancel

To: Local 1000 Anne Giese

remirnd the suspended VPS
by email and certified mail by
3Qm after my today after my
approval that they are

PERB Received
12/01/22 12:58 PM

Announcing the suspended VPS
by email and certified mail by
3Qm after my today after my
approval that they are
prohibited from carrying out
any official duties including,
but not limited to, those
duties as described by the
SEIU Local 1000 Policy File
Section 3.0.03 and Bylaws
but their membership is still
protected.

Please feel free to cite any
other legal references to
carry out the effect of
suspension imposed against
the affected vice presidents.

Thank you,
Richard Louis Brown
Local 1000 President

0J

8)

iMessage



0



Thank you and have a
wonderful weekend,
Richard 7437

Sun, Feb 27, 7:14 PM

Thank you. I'll make sure it's
done first thing.

m G)

iMessage



Many may have heard of an incident at the Local 1000 headquarters today. I went to the headquarters to confirm that there was no break in. I confirmed that the Union's property has been secured through an agreement of the parties.

Signed: Anne Böse

[Signature]

confirmed Richard Louis Brown

[Signature: Richard Louis Brown]

Both parties have agreed to allow the dispute as to leadership to be resolved in the appropriate venue.

ovl. /Je./u.,I ol- fw l-ocwf: J4,te.-Mtl:u-v.rA, jt, we

Jl! u / &q/U ilrY con Ivn 5 vU,tcl di S.Sd us-11,q.

Pre.s / ,rtJw'1,, J?o >I ft lJ t4 /J ftt.a,4-v-/K aLT?tJP15

of the Vice Presidents in emails this week and looks forward to having his position vindicated.

**Exhibit MA-FINAL Request for Indemnification to
Rothern and Giese 220503**



IVIE McNEILL WYATT
PURCELL & DIGGS

Rodney S. Diggs
Email: rdiggs@imwlaw.com
Kaelin S. Davis
Email: kdavis@imwlaw.com

May 3, 2022

VIA E-MAIL ONLY

Glenn Rothner
grothner@rsglabor.com
Rothner, Segall & Greenstone
510 South Marengo Avenue
Pasadena, California 91101-3115
Telephone: (626) 796-7555
Facsimile: (626) 577-0124

Anne Giese
AGiese@seiu1000.org
SEIU Local 1000 Chief Counsel

**Re: William Hall v. Richard Louis Brown, et al.
Request for Indemnification**

Dear Counsel,

Defendant, Richard Brown, hereby requests that SEIU Local 1000 and/or SEIU International indemnify him pursuant to *Cal. Corp. Code* § 5238. Under *Corp. Code* § 5238, a nonprofit corporation has the power to indemnify an agent of the corporation who is or may become a party to certain civil or criminal proceedings, against expenses, judgment, fines, settlements, and other amounts actually and reasonably incurred in connection with the proceedings.

The general standard is that the person must have acted in good faith and in a manner reasonably believed to be in the best interests of the corporation. *Corp. Code* § 5238(b). If the action is brought by or for the corporation, the person must have acted in good faith, in a manner the person believed to be in the best interests of the corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. *Corp. Code* § 5238(c). Furthermore, “agent” means any person who is or was a director, officer, employee or other agent of the corporation...” *Corp. Code* § 5238(a).

As (suspended) President, my client, Richard Brown acted in good faith, and in a manner, he believed to be in the best interests of the corporation throughout his presidency, including but not limited to his actions as alleged in Plaintiff William Hall’s complaint. Additionally, Mr. Brown has acted in good faith, and in a manner, he believed to be in the best interests of the corporation

in doing the things alleged in the charging documents in the brought by Anica Walls and Michael Guss. As stated above, Mr. Brown requests that SEIU Local 1000 and/or SEIU International indemnify him in the above referenced action against Mr. William Hall, any and all cross-complaints to that action, and any past and future expenses incurred already by Mr. Brown in litigating the above referenced matter. Mr. Brown further requests that he be indemnified for past and future expenses incurred in the HR-1 proceedings brought by Anica Walls and Michael Guss.

Sincerely,

IVIE, McNEILL, WYATT PURCELL & DIGGS

/s/ Rodney S. Diggs

RODNEY S. DIGGS

KAELIN S. DAVIS

Exhibit MB-Local 1000 \$15K One-Time Offer & Informing the Board

BEER Received
12/01/22 12:58 PM



Telephone: (866) 471-7348

VIA US MAIL AND EMAIL
richard.brown7437@yahoo.com

July 1, 2022

Richard Louis Brown
3225 43rd Street
Sacramento, CA 95817

Dear Mr. Brown,

The Executive Committee of SEIU Local 1000 is committed to the top priority of representing our members effectively at the worksite and in bargaining, including taking prompt action to ensure confidence in our commitment. After careful deliberation of your prior request for reimbursement of attorneys' fees, and to avoid further delays, the SEIU Local 1000 Executive Committee has voted to authorize a one-time reimbursement of reasonable attorney fees up to and not exceeding \$15,000 for the ongoing HR1 disciplinary action. The Executive Committee of SEIU Local 1000 has authorized that SEIU Local 1000 will ensure a one-time reimbursement of reasonable attorney fees up to and not exceeding the amount of \$15,000 based upon your agreement to the following conditions:

1. It is for reasonable attorneys' fees to ensure a timely proceeding in the HR1 process known as Guss v. Brown/Walls v. Brown, and not for attorneys' fees in any other legal matter or for any other purpose. Reasonable fees shall be no more than an hourly rate which is reasonable and no higher than the rate Brown has been charged with respect to sums that he's paid out of his own funds;
2. It is a reimbursement for invoiced attorney time based on review of invoices that outline the matter covered (i.e. the HR1 process known as Guss v. Brown/Walls v. Brown) and hours spent. (No attorney-client information need be disclosed);
3. It will be paid directly to the attorney in the matter based on these terms and contingent on timely proceedings with the remaining HR1 process;
4. It will not create an attorney-client relationship and it is not intended to interfere with the attorney-client relationship;

RICHARD
LOUIS BROWN
President (Suspended)

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

IRENE GREEN
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION
SOC, CLC

1808 14th Street
Sacramento, CA 95811

866.471.SEIU (7348)
www.seiu1000.org

5. It is not intended as a promise of future payment aside from this authorization nor does it set a precedent or past practice, expectation or reliance;
6. It is not conditioned on the results of the hearing;
7. Once paid, the services claimed against this reimbursement cannot be resubmitted in any future claim or demand; and
8. Once the matter is completed, further details of the billing records may be requested in order to substantiate that the expenditure went to the intended purpose.

On this authority, the Executive Committee of SEIU Local 1000 approved the undersigned to authorize this payment. Consequently, should you agree to these conditions, please sign below and return your signed letter to David Jimenez, Vice President/Secretary-Treasurer. Once your signature and agreement is received, you will be eligible to submit the required documented invoices for review and payment if appropriate.

Sincerely,



DAVID JIMENEZ
Vice President/Secretary-Treasurer

cc: Executive Committee

AFFIDAVIT OF ACCEPTANCE

I, Richard Louis Brown, have read and understand these terms. I have had the opportunity to review them with my attorney. I accept and agree to these conditions of reimbursement.

I declare this under penalty of perjury under the laws of the State of California.

Executed in _____, CA on _____, 2022

Signature: _____



July 1, 2022

The Executive Committee is committed to the top priority of representing our members effectively at the worksite and in bargaining. When distractions arise that prevent our members from having full faith and confidence in our Union, the Executive Committee must take action to ensure confidence in our commitment.

After careful deliberation and to protect our members from further delays and unnecessary distractions, the SEIU Local 1000 Executive Committee has voted to authorize a one-time reimbursement of reasonable attorney fees up to and not exceeding \$15,000 to suspended Local 1000 President Richard Louis Brown's lawyer for the ongoing HR1 disciplinary action.

To ensure the funds are used solely for the disciplinary process and to reach a timely conclusion, the payment includes several conditions to be disclosed to and agreed upon by Mr. Brown prior to the reimbursement.

The Union has authorized this reimbursement to ensure that we can:

- Diligently represent the best interest of our members and Local 1000.
- Move Local 1000 forward with our legitimate and valid efforts to protect democratic principles.
- Ensure that Mr. Brown has fair access to reimbursement to ensure a prompt process.
- Allow the internal discipline process to proceed expeditiously and efficiently.

Thank you for your continued support,
SEIU Local 1000 Executive Committee

RICHARD
LOUIS BROWN
President

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

IRENE GREEN
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

1808 14th Street
Sacramento, CA 95811

866.471.SEIU (7348)
www.seiu1000.org

EXHIBIT N SEIU International Affiliation Agrmt

BERB Received
12/01/22 12:58 PM

AFFILIATION AGREEMENT

Between

SERVICE EMPLOYEES INTERNATIONAL UNION

And

UNION OF CALIFORNIA STATE WORKERS

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AFFILIATION AGREEMENT

Between

SERVICE EMPLOYEES INTERNATIONAL UNION

And

UNION OF CALIFORNIA STATE WORKERS

This Agreement is entered into by the Service Employees International Union, AFL-CIO, CLC (hereafter referred to as SEIU) and the Union of California State Workers (hereinafter referred to as UCSW) for the purpose of affiliating these two labor organizations and setting forth the goals and understandings which have brought about this affiliation. This is the sole and complete Agreement between the parties with respect to the terms of their affiliation and is intended to be binding upon them and their successors until modified or amended by mutual Agreement or by the operation of law.

ARTICLE I. GOALS AND INTERESTS OF THE PARTIES

A. *Joint Partnership*

SEIU is an international labor union strongly committed to growth of its membership as the key to achieving its broader mission to improve the lives of working people and their families and to lead the way to a more just and humane society. As a growing, dynamic union, SEIU is committed to the principle of organizing workers and servicing its members through supporting the efforts of its locals and has long maintained a tradition of local autonomy which recognizes the right of its locals to direct their own organization.

UCSW shares SEIU's goals. UCSW is an organization which aggressively and capably organizes and represents its members. UCSW is proud of its traditions and values its freedom to control the decisions that affect its members, and further believes it benefits from the organizing potential and the added political, legislative and agency influence and solidarity which derives from its affiliation with SEIU.

SEIU and UCSW are committed to creating an organizing and political partnership that will allow each to grow and benefit from the combination of their individual resources and strength. SEIU and UCSW agree that economic and social justice, a voice on the job and in society, secure jobs with the opportunity to advance, and dignity and respect for workers, active and retired, are guiding values. SEIU and UCSW share a vision that in a world that is changing fast, unions must be dynamic and act boldly to represent members. SEIU and UCSW agree that (1) by organizing on a large scale, we can win better wages; benefits and working conditions for our members (2) by building political power and holding political leaders accountable we can influence public policy and champion issues of concern to our members; and (3) by uniting together we can better assure our members' involvement in the decisions that affect their jobs, lives and communities. Stronger together, SEIU and UCSW intend to create

a more just and humane society.

B. New Strength Unity Plan

Delegates to the SEIU 2000 Convention passed the New Strength Unity Plan to guide the work of the Union. UCSW endorses and supports the principles of the New Strength Unity Plan, including:

BUILDING STRENGTH THROUGH MEMBERSHIP UNITY. Through an expanded membership involvement program and a major increase in communication and union education, we will make sure members have the information and training to help solve problems at the workplace, win better contracts, hold politicians accountable, and reach potential new members.

NEW COORDINATION AMONG SEIU LOCAL UNIONS. SEIU local unions will not have to stand alone but will work together to develop state, regional, national, and industry strategies to win better pay, benefits, and security. Locals will pool some of their resources in a national Unity Fund for joint strategies and mutual support.

GREATER ACCOUNTABILITY TO EACH OTHER. Local unions will jointly set high performance standards for winning better contracts, communicating with members, holding public officials accountable, and uniting all workers who do the same type of work. Every member will receive a report each year on what is achieved under the New Strength Unity Plan.

UNITING ALL WORKERS WHO DO THE SAME TYPE OF WORK. We will increase members' bargaining strength by bringing into the union many more workers who are in the same sectors or do the same kind of work. We also will launch a massive effort to pressure employers not to interfere with workers' freedom to choose a voice at work by forming a union.

HOLDING POLITICIANS ACCOUNTABLE ON ISSUES IMPORTANT TO WORKING PEOPLE. Locals will train stewards, delegates, and member political organizers to lead a year-round program to involve members in making public officials listen to working families.

MORE USE OF NEW TECHNOLOGY. The union will use new tools like the Internet for communication with members and research on employers, and will help make sure that every member has access to an affordable computer and the Internet.

ARTICLE II. NAME AND STATUS

Local Charter

Pursuant to the terms of the SEIU/California State Employees Association Affiliation Agreement, the UCSW is currently affiliated with and a part of SEIU. SEIU has issued a charter to UCSW in the name of SEIU Local 1000 (UCSW) (Union Of California State Workers) AFL-C/O, and UCSW shall be known as SEIU Local 1000 (UCSW). UCSW members, as a benefit of the affiliation, are members of SEIU and the AFb-GIO with all ensuing right9 and privileges:--This -agreement tcreates-a new relationship. As permitted under its own Bylaws, UCSW shall continue to have the right to charter its own subordinate bodies. Members of subordina te bodies shall be considered members of SEIU local 1000 (UCSW) under this affiliation agreement and SEIU's Constitution and Bylaws, subject to the requirements therein.

B.. UCSW's Legal Status

SEIU recognizes that UCSW is a non-profit corporation organized under the laws of the State of California and that it is subject to applicable existing and future laws by reason of such status. Nothing in this Affiliation Agreement is intended to change or otherwise impact on such status.

C. UCSW's Assets and Liabilities

All assets, including, real and personal property and financial rights of any amount, nature or description (including, without limitation, interest and dividends earned on assets), currently held or acquired in the future by UCSW shall remain the assets of UCSW and the UCSW will retain sole responsibility for all existing and contingent liabilities, debts and other obligations and any other expenditures necessary to operate the UCSW. In the event of any disaffiliation of UCSW from SEIU, UCSW shall retain all its assets and property.

D. Collective Bargaining Representative

UCSW will continue as representative of and signatory to all collective bargaining agreements covering employees for whom the UCSW, or its predecessor, was the bargaining agent prior to this affiliation agreement. SEIU will assist in the defense of any employer challenges to the representative status of any bargaining unit that may be lodged as a consequence of the affiliation of the UCSW with SEIU.

E. Affiliation with AFL and SEJU Councils

UCSW shall affiliate with the California State Council and shall have the right to affiliate with any other appropriate intermediary body of SEIU. Its affiliation with such organizations shall be under the same conditions as other locals. SEIU encourages UCSW to affiliate with any state or local bodies of the AFL-CIO operating in the geographic region in which it is headquartered. Notwithstanding the above, UCSW's obligation to pay per capita payments to the SEIU California State Council shall not exceed 34 cents /member as of the date of the signing of this Agreement. Should the SEIU California State Council increase its current full per capita rate, UCSW's obligation to pay per capita payments shall not increase by more than one-half of the amount of such increase and in no event by more than twenty-five percent (25%) of the per capita UCSW is obligated to pay immediately prior to such increase. If the legislative programs of UCSW and the SEIU California State Council are subsequently merged, the parties agree to negotiate regarding the amount of per capita UCSW will thereafter pay to the SEIU California State Council.

Notwithstanding the above, UCSW may, in its sole discretion, make greater payments to the SEIU California State Council than it is obligated to pay under this Affiliation Agreement. In the event that UCSW pays additional amounts to the SEIU California State Council, the parties agree that such payments are voluntary, will not be considered to modify the terms of this Affiliation Agreement, and will create no legal obligation on the part of UCSW to continue such additional voluntary payments. However, in the event that UCSW decides to discontinue or reduce additional voluntary payments being made to the SEIU California State Council, UCSW agrees to give the SEIU California State Council 120 days prior written notice of such action.

ARTICLE III. LOCAL AUTONOMY

A. Governance

UCSW, as well as any of its subordinate bodies, shall continue to be governed by the UCSW Bylaws. SEIU recognizes and accepts the UCSW's Bylaws as they currently exist and as they may be lawfully amended. SEIU may, upon review of the UCSW's Bylaws or any amendments, report to the UCSW Council its findings regarding conformance of the Bylaws or amendments with SEIU's Constitution and Bylaws. UCSW recognizes and accepts SEIU's Constitution and Bylaws, as they currently exist and as they may be lawfully amended, except as to those provisions that are inconsistent with the terms of this Affiliation Agreement.

B. Budget

The UCSW shall have authority to establish its own operating and investment budget provisions. UCSW shall have full autonomy to expend funds and revenues as it determines to be appropriate and as accords with its legal obligations.

C. Employees and Staff

UCSW shall have full autonomy to select, retain and set policies for its own employees and staff including retaining professional services from accountants, attorneys, and others, and to negotiate terms of any service agreement with the California State Employees Association (CSEA).

D. Political Activities

SEIU and UCSW shall endeavor to work together, to cooperate, and to act in unison in promoting candidates and political positions for mutual benefit. The UCSW agrees not to maintain a federal political action committee. The UCSW will cooperate with the California State Council in endorsing candidates. SEIU agrees that CSEA's Employees Political Information Committee or similar committee fulfills the requirement in Article XV Section 15 of the International Constitution for a committee on political education.

E. Membership

UCSW shall continue to have sole power to determine eligibility for UCSW membership, subject only to the limitations in the CSEA Bylaws. For purposes of SEIU membership and rights under the SEIU Constitution, this right is limited by the requirements of the SEIU Constitution and the provisions of this Agreement, and the terms of any applicable state or federal law.

F. Eligibility for Union Office

UCSW shall continue to be the sole judge of eligibility for election to office in UCSW, subject to applicable law, but eligibility for election to SEIU delegate or SEIU office shall be in compliance with the SEIU Constitution and applicable state and federal law.

G. UCSW Disputes

UCSW shall retain its right to adjudicate internal UCSW disputes, subject only to SEIU's review to assure that UCSW's disciplinary procedures are in compliance with due process as defined by applicable provisions of the SEIU Constitution .

H. Support for Other SEIU Locals and Other Unions

UCSW is encouraged to support economic or strike sanctions of other locals and other unions, but at no time will UCSW or its members be required to strike or take any other action in support of such activities.

ARTICLE IV. SEIU SERVICES TO UCSW

A. Commitment of Services

SEIU maintains a large and skilled staff and has developed relationships with many types of consultants to provide organizing and servicing resource support to the locals of SEIU. Pursuant to the affiliation agreement, SEIU will make available to UCSW all the services and organizing support and grants as provided to other locals from the International Union.

Services provided to its locals by SEIU include but are not limited to: education and training, legal services, help for local union administration, support in developing strategic bargaining campaigns, work site safety and health concerns, public relations, information and printed or related materials to members, organizing assistance and grants, technical help in developing programs of internal organizing and leadership development, research assistance in analyzing State budgets, help in developing political programs, membership benefit programs, and staff assistance to help out during extraordinary times when unexpected problems or opportunities arise.

B. Organizing Assistance

SEIU is committed to helping UCSW build the best organizing program possible. SEIU will assist UCSW in meeting the standards of the SEIU "Bold Action" organizing program aimed at developing an organizing plan with appropriate resources, and recruiting and/or training an organizing director and staff. Local unions must normally meet these standards to become eligible to receive staff and resource assistance in developing strategic targets and conducting organizing campaigns. In conjunction with SEIU's organizing program, SEIU's organizing subsidy program will be made available to UCSW on the same basis as it is made available to other SEIU locals.

C. SEIU Pension Plan

The SEIU shall make available the SEIU Affiliates' Officers and Employees Pension Plan for participation of the UCSW, at its option, and will undertake to coordinate any necessary meeting or discussions between UCSW and the Pension Plan representatives needed to further planning for such participation. Unless UCSW agrees to participate in the SEIU Affiliates' Officers and Employees Pension Plan, SEIU waives the provisions of Article XX, section 8 of its Constitution as now constituted or as may be amended as to the subject matter contained therein.

D. Public Retirement System

SEIU and UCSW shall work together to improve the benefits available to UCSW members. SEIU agrees that it shall not take any public or private position that would seek to amend or modify the retirement or health benefits provided to state employees and retirees through any of the California public employee retirement systems and/or the California Department of Personnel Administration in such a manner that would result in lessening such benefits. SEIU further agrees that it shall take no public or private position respecting the composition of the Public Employees' Retirement System Board of Administration that is in conflict with the position of UCSW as to the election of the two (2) at-large members, the state employee member and the retiree member elected by the participants of the system. In the event that UCSW and another SEIU Local Union have a conflict on any retirement matter, SEIU shall use its best efforts to resolve the conflict.

ARTICLE V. JURISDICTIONAL PROTECTIONS RESULTING FROM AFFILIATION

SEIU fully commits to protect UCSW's jurisdiction and its bargaining relationships against challenges from other labor organizations. SEIU will at its own expense ensure that the UCSW and its subordinate bodies are provided full protection under Articles XX and XXI of the AFL-CIO Constitution. UCSW and its subordinate bodies in return promise that they will comply with the provisions of Articles XX and XXI of the AFL-CIO Constitution and any decisions and orders thereunder.

ARTICLE VI. FINANCIAL RESPONSIBILITIES

A. Per Capita Tax

Effective upon the first month of this agreement, UCSW will remit monthly per capita payments, including the Unity Fund portion, to SEIU on each of its members, in collective bargaining units, as provided in the SEIU Constitution. Payment shall be due by the 15th of the month following the collection, with the first payment due on or before February 15, 2004. SEIU shall pay the AFL-CIO per capita payments on behalf of UCSW members and fee payers from the per capita payment specified in this Section. There shall be no initiation fee required by SEIU of UCSW members. UCSW will permit SEIU to conduct such examinations or audit of UCSW's financial records as is reasonably necessary to verify the basis and amount of per capita tax paid by UCSW to SEIU or any subordinate body.

ARTICLE VII. JURISDICTION

UCSW shall have exclusive jurisdiction for all rank and file employees of the State of California in the State Civil Service. In addition, UCSW can organize new units subject to SEIU's jurisdictional determination. As to jurisdiction over new units of employees who are not rank and file employees of the State of California, SEIU shall give weight to the policy of "following the work" in assigning jurisdiction.

ARTICLE VIII. SETTLEMENT OF DISPUTES BETWEEN SEIU AND UCSW

The only means of settlement of disputes concerning the interpretation,

application. and enforcement of the terms of this agreement shall be as provided in this Article. In addition, the procedures in this Article shall be utilized if SEIU receives a legitimate complaint from a UCSW member that UCSW is not abiding by its responsibilities to effectively enforce its collective bargaining responsibilities, maintain democratic internal procedures, and/or assure fiduciary accountability and responsibility.

A. Good Faith Discussions

The parties shall meet and engage in good faith discussions in which each party shall attempt to share all information it has concerning the issue.

B. Mediation/Arbitration

In the event that the dispute is not settled by good faith discussions, then either party may request mediation and arbitration. Such proceedings shall be expedited at the request of either party. If the parties are unable to agree on the choice of a mediator within ten days, the services and procedures of the American Arbitration Association shall be utilized to select a mediator. The selected person shall then attempt to mediate the dispute, but, if convinced that parties will not reach agreement voluntarily, shall refer the matter to an arbitrator selected by mutual agreement of the parties or through the processes of the American Arbitration Association. The arbitrator shall conduct hearings and be authorized to make final determinations which shall be binding on the parties, except as provided herein. Each party shall be responsible for compensating its own representatives and witnesses. The costs of any transcripts or arbitrators' fees shall be borne equally by the parties.

In the event of a finding or ruling that UCSW or SEIU is not in compliance with an arbitrator's decision, the arbitrator may order such remedy or remedies as the arbitrator deems appropriate until the arbitrator finds UCSW or SEIU in complete compliance. In no event shall an arbitrator order a trusteeship of UCSW.

In the event of a finding or ruling that UCSW has failed to effectively enforce its collective bargaining responsibilities, maintain democratic internal procedures, assure fiduciary accountability and responsibility, and/or remedy a per capita delinquency, and a finding or ruling by the arbitrator of a failure by UCSW to comply with the remedies ordered by the arbitrator in a reasonable time, SEIU may institute legal action against UCSW to enforce the decision of the arbitrator. In addition, SEIU may file charges under the International Constitution against the individuals who have been negligent with respect to their obligations as officers; submit the report of the arbitrator to the appropriate government agency; or suspend or revoke the charter of UCSW.

In the event of a finding or ruling that SEIU has failed to meet its responsibilities under Article II B (UCSW's Legal Status), Article III (Local Autonomy), Article V (Jurisdictional Protection), Article VI (Financial Responsibilities), and/or Article VII (Jurisdiction), and a finding by the arbitrator of a failure by SEIU to comply with remedies ordered by the arbitrator in a reasonable time, UCSW may disaffiliate from SEIU and any other affiliate bodies of SEIU upon a majority vote of UCSW General Council delegates at a regular or special meeting of the UCSW General Council delegates or by written mail ballot. At least ninety days prior to any such vote,

representatives of SEIU will have an opportunity to communicate orally and in writing with the UCSW Council and the UCSW General Council delegates and members on the subject of the disaffiliation. UCSW agrees to cooperate with SEIU in connection with such communications, including by providing names and addresses of delegates and members and working with SEIU to schedule regional meetings and to encourage delegates and members to attend.

ARTICLE IX. UCSW REPRESENTATION IN SEIU GOVERNANCE

The SEIU Executive Board shall make every effort to see that UCSW representation on the International Executive Board shall continue. SEIU agrees to pay to UCSW the amount of compensation that would otherwise be provided to the UCSW representatives on the SEIU Executive Board. UCSW will utilize these funds only for the financial support of its representation within SEIU. UCSW will reimburse its representatives on the SEIU Executive Board for any additional costs above travel and per diem payments provided by SEIU.

ARTICLE X. WAIVERS

In accordance with and except as otherwise provided in this Affiliation Agreement, SEIU waives with respect to UCSW the following provisions of its Constitution as now constituted or as they may be amended as to the relevant subject matter: Article 111, section 3(d) insofar as it concerns the authority of the International President and the International Executive Board to resolve disputes over membership in a Local Union; Article V, section 2 insofar as it concerns Local Union elections; Article VIII, sections 1(f), 2, 6 and 7; Article XI, section 3 and section 6 insofar as section 6 gives the International Executive Board authority to protect members of Local Unions; Article XIII, sections 6 and 7; Article XIV, section 3; Article XV, sections 2, 3 and 5, and section 13 insofar as section 13 refers to actions in the name of a Local Union; Article XVIII, sections 1 and 3; Article XXI; and Article XXV, insofar as it relates to the disaffiliation vote of a local union and reversion of property to SEIU upon disaffiliation.

SEIU agrees that all waivers of provisions of its Constitution contained in this Agreement or any like successor provision of its Constitution shall remain in full force and effect for the duration of this Agreement.

ARTICLE XI. APPLICABLE LAW

A. Interpretation

All matters pertaining to the validity, application, interpretation and effect of this Agreement shall be interpreted in accordance with the principles of law arising under Section 301 of the Labor Management Relations Act, 29 U.S.C. Section 185.

B. Compliance with Law

Both parties are committed to strict adherence to labor, anti-discrimination, tax, campaign finance, and all other applicable state and federal laws. UCSW and SEIU are hereby mutually committed to carry out all the activities discussed in this Agreement so as to comply with all applicable laws. If either party believes the other is carrying out

these activities in a fashion prohibited by law, then that party shall proceed under the terms of Article VIII of this Agreement, and if the arbitrator finds such violation it shall be deemed a violation of this Agreement.

C. No Third Party Rights

Unless expressly provided otherwise in this Affiliation Agreement, this agreement is not intended to create or establish rights of any parties other than the UCSW and SEIU, and any clause relating to the enforcement or interpretation of this agreement may be brought only by the parties signatory hereto, or their agents.

D. Severability

In the event that any provision of this Agreement is held to be invalid in a final judgment by any court; or by an arbitrator under Article VIII of this Agreement; or by interpretation by the AFL-CIO pursuant to Article XX or Article XXI of the AFL-CIO Constitution, which deprives either party of Article XX or XXI protection, such provision shall be severed from the Agreement and all other provisions of the agreement shall remain in force. The parties shall meet and renegotiate any such provision within 90 days of the date of the applicable decision.

ARTICLE XII. EFFECTIVE DATES

A. Starting Date

This affiliation agreement will become effective on the date that is has been approved by the UCSW Council and the SEIU Executive Board.

B. Duration of Agreement

This Agreement shall remain in effect until modified by mutual agreement of the parties.

For UNION OF CALIFORNIA STATE WORKERS:

Jim Hard

Jim Hard
Title: President
Dated:

Cathy Hackett

Cathy Hackett
Title: Secretary-Treasurer/Vice-President
Dated:

For SERVICE EMPLOYEES INTERNATIONAL UNION:

Andrew L Stern

Andrew L Stern
Title: President
Dated:

Anna Burger

Anna Burger
Title: Secretary-Treasurer
Dated:

This agreement was approved by the SEIU Executive Board on
11/14 • 2004.

This agreement was approved by the UCSW Council on 11/17,
2004.

SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE

LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

IN THE MATTER OF THE	)	<i>Amended Internal Dispute</i>
PROCEEDING	)	22-02-HR1
BETWEEN	)	Internal Dispute
	)	22-03-HR1
MICHAEL GUSS, DISTRICT LABOR	)	NHO FILE NO.: 220316-BROW
COUNCIL 794, ANICA WALLS, VICE)	
PRESIDENT FOR ORGANIZING AND	)	HOMER C. LA RUE
REPRESENTATION, SERVICE	)	Neutral Hearing Officer
EMPLOYEES INTERNATIONAL UNION)	
("SEIU"), LOCAL 1000, SEIU,)	
Charging Parties,	)	CHARGED PARTY RICHARD
-AND-	)	LOUIS BROW, PRESIDENT
	)	(SUSPENDED), BRIEF RE
RICHARD LOUIS BROWN, PRESIDENT	)	SUSPENSION OF VICE
(SUSPENDED), SERVICE EMPLOYEES	)	PRESIDENTS AND SUSPENSION
INTERNATIONAL UNION ("SEIU"),	)	OF PRESIDENT
LOCAL 1000, SEIU,)	
Charged Party.)	
RE: Disciplinary Charges)	

INTRODUCTION

According to the Bylaws and Policy Files, the "Union of California State Workers," doing business as "SEIU Local 1000" is a member-led union created to improve the living standards and rights of the members, their families and other working people, and to achieve economic and social justice. (Attached hereto as Exhibit A is a true and correct copy of Local 1000 Bylaws). The officers of the Local 1000 include the President, Vice President/Secretary-Treasurer, Vice President for Organizing/Representation, and Vice President for Bargaining. (Attached hereto as Exhibit B is a true and correct copy of Local 1000 Policy File).

The HR1 allegations made against me by Local 1000 member, Michael Guss, are simply frivolous (harassment), not true, and based on personal opinions void of any factual grounds (no gross neglect proven) for a HR1 to be filed. Please see a compilation of full videos that were already introduced as prejudicial clips as evidence by Mr. Guss that clearly contradict his baseless allegations of me bullying him and others at <https://youtu.be/8HA2QgGo-VM>.

MICHAEL GUSS ALLEGATIONS PRESENTED & DEBUNKED

On August 10, 2021, I was the victim of an unprovoked racial, homophobic and sexist verbal assault by Local 1000 Board Member, Theresa Taylor. On this day, Local 1000 staff, Alex Hernandez, asked Theresa Taylor if she would be attending a public rally on August 27, 2021, at the Capitol to support efforts to stop the closure of the California Correctional Center in Lassen County and oppose violations of our Union rights. In response, Theresa Taylor launched into a vulgar, racist, homophobic, and sexist tirade via text message regarding me. This later was partially reprinted in The Sacramento Bee at this link <https://www.sacbee.com/news/politics-government/the-state-worker/article253622088.html>. Theresa Taylor wrote in her text message, “how dare this Union president use Union dues for a rally that is political AND pay Union Leave for a rally. He has not done his job and met and conferred with the state. DLC 786 says RLB can such a dick.” I was deeply embarrassed, hurt, and my authority as the Local 1000 President was severely damaged along with my reputation. On September 15, 2021, I addressed those racist and sexual degrading comments made by Theresa Taylor. In order to cover-up and distract membership regarding the ugliness displayed by Mrs. Taylor's racist feelings about me Mr. Guss filed an unjust HR1 that states the following **first frivolous allegation**. "At 48:36 into his video on September 15, he called out SEIU 1000 Board Member Theresa Taylor and then challenged her to a fight by saying, "When I check you, when I get at your ass, now you have a problem, you got the right one. You looking for a fight, here I am, 3225 43rd Street, you called the cops, no you come to my house yourself. Don't send the cops to my house, you show up at my house if you're looking for some action." It's at 49:26 of the September 15, 2021, video at <https://www.youtube.com/watch?v=oVTwm4EHLzw>. This language is taken totally out of context to typical audience members who listened to the broadcast knew what I was saying that evening. My message centered on my constant fight to retain my life (1 day after it was announced that I had won the Local 1000 Election for President, I survived a May 25, 2021, 5:00a.m. police call to my home on a false allegation (swatting call) that there was a woman at my residence screaming. My message also was focused on my presidency (37 working days after taking office I received an email on August 20, 2021, from DLC 744 William (Billy) Hall attempting to transfer all presidential powers to a newly created “Chair” position which became him. These two issues are clearly stated without going into exact details before the 48:36 minute mark of what MR. Guss wants everyone to believe was my challenging Mrs. Taylor to a physical which is an absolute lie.

First, my September 15, 2021, "Local 1000 listens to you" video is 1:14:31 in duration on YouTube at <https://youtu.be/uGgDUUyb59k> and is not 1:09:16 in duration as deceptively presented by Mr. Guss. I was simply stating that I would not be intimidated nor bullied by anyone including the State of California and that I would defend myself against the multitude of lies alleged by Mr. Guss and others. Listen to the three minutes before and after in this video clip regarding this baseless allegation that I was challenging Mrs. Taylor to a fight. It should be duly noted that on October 1, 2021, Mrs. Taylor, who is also the President of DLC 786, was **not afraid** of me and came to Local 1000 Headquarters along with DLC 794 President, Francina Stevenson and reviewed statements in my presence which can be viewed at <https://www.youtube.com/watch?v=Q4GFYHTDghY>.

Mr. Guss's **second frivolous allegation** regarding DLC 767 President Richard Wake is ironic since Mr. Wake's behavior could strongly be considered bullying and intimidating. In fact Mr. Wake has been abusive towards me for quite some time. Please see the attached Exhibit B regarding the horrific and numerous text messages from Mr. Wake that I have received that began on August 19, 2021, at 6:28a.m. calling me a "Clucking Chicken" because I didn't have time to debate him about my leadership. Mr. Wake continued to send me his harassing "Clucking Chicken" texts August 25-26, 2021, at 6:49p.m and 8:51p.m. respectively but on November 17, 2021, at 7:08p.m. he simply called me a "...a bald faced liar". On December 8, 2021, at 8:41pm Mr. Wake for the fourth time sent me a text calling me a "Clucking Chicken" and states on December 9, 2021, at 7:13p.m that "Wrong. You're a Bully, a hater, you've messed with the WRONG person." Finally on March 5, 2022, at 5:43p.m. Mr. Wake sends me a text that says "Hey ass hole - you must be desperate breaking and entering." Mr. Guss does not reflect my words OR my intent correctly in my December 8, 2021, "Local 1000 Listens to You" video at <https://youtu.be/-uO6It7n69A>. Mr. Guss states in his HR1 "At 2:05:45 into his video on December 8, 2021 he tells SEIU 1000 Board Member Richard Wake, "I'm not going to wear a mask next question sir. You called on here, hold on Richard, you called on here, Richard, Richard, Richard, so all these people who call on here and say why were they so mean to you, well here's one who is trying to run me out of office, DLC 767 President Richard Wake. You attended the insurrectionist meeting Richard Wake, Did you go in person Richard or did you have Ben Arriaga go in your place and vote for you at the insurrectionist meeting Richard? You better hang-up the phone and move on or I am going to hang up the phone and move on. You don't want to this action from me tonight Richard, no you don't, Richard, no you don't Richard. So I'm a chicken and completely misquoted as with his other two baseless allegations.

Mr. Guss's **third and final frivolous allegation** involves my conversation with Mr. Guss on November 17, 2021. He states in his HR1 that "At 45:00 into his video on November 17, he says, "Let's address Michael Guss, I've been waiting on him to call," then leans back in his chair and laughs. "First off you must've missed last week's Power Point [presentation]. That Power Point told you, the people who responded to it, that DLC Presidents are not representing their membership, but you don't like facts. Here's another fact for you, you want to talk about the effective relationship with the Governor. Last time I checked, the former Local 1000 President had a beautiful relationship with the Governor, it was so beautiful it cost us two days of pay for a whole year. And we were scheduled for another fiscal period since you want to talk about the effective relationship with the Governor. That relationship was established before I got here. If that relationship was so beautiful then why didn't she get the Essential Worker Premium Pay that would've guaranteed her reelection? Since you want to talk a little bit. You know Michael, you want to talk about International, and you know you want to talk about International, Michael. Are you saying that DLC President 744 Bill Hall or DLC 786 President Theresa Taylor, are they getting legal advice from International? Are you saying that International is interfering with a local's business? And you want to talk about lawsuits let me tell you something you may scare people with those lawsuits, you and Kevin Healy, DLC 754 President Kevin Healy. DLC 767 President Richard Wake, let me tell you something, you may intimidate some people with that stuff. God's with me through Jesus Christ, so bring your lawsuits and do whatever you got to do, because you don't have a ground to stand on, if you really thought you was so sincere if I was really doing such a bad job, Michael Guss, then why did you fill out this COPE form. See, I was waiting on you to show up. See you do all that talk here on Facebook, but here you are eagerly filling out COPE." Mr. Brown proceeded to wave around my COPE form, which contains information I marked as confidential when I entered State Service (home address). Mr. Brown later attempted to cover his tracks by leaving a voice mail for me on November 19 claiming that he was processing my COPE enrollment personally." This video can be viewed at <https://www.youtube.com/watch?v=CcrrZaanixM>. I have led Local 1000 with true transparency and I have never attempted to cover my tracks. Meanwhile Mr. Guss has tried with robust energy to deceive others into believing that I have been hostile and intimidating while Mr. Guss and others have attacked me from the very beginning. Mr. Guss's confidential information could not been seen in this video. DLC 744 President William (Billy) Hall, has filed a lawsuit against me with the full support of DLC 752 President, Kevin Healy. So these statements were simply the truth.

CONCLUSION

In my closing summary it is evident from the facts Mr. Guss has an alarming disconnect with reality due to his opinionated and substantial lack of objectivity and his severe lack of fact based reasoning. **Mr. Guss's claims represent simply a nuisance lawsuit that is wasting the time of this hearing.** In the full video compilation about Mr. Guss it is revealed at the very end about Mr. Guss's support for Joe Biden for president. Mr. Guss is fighting to continue the political spending for social justice by Local 1000 and rejects my 10 Point Platform that involves the elimination of political spending under my leadership. It is interesting that Mr. Guss states that I am a bully but yet his support for Biden for U.S. President never wavered when Biden stated "They asked me would I like to debate this gentleman, and I said no. I said, 'If we were in high school, I'd take him behind the gym and beat the hell out of him,'" when he was asked about then President Trump on March 20, 2018. Mr. Guss has also ignored President Biden's comment on January 24, 2022, when the President said to reporter Peter Doocy "What a stupid son of a bitch." Yet there was not outcry to remove the President Biden from office but Mr. Guss feels I should be removed from office for alleged bullying and intimidating others which is the common modern day code for racial profiling strong black men that are fighting the status quo. Mr. Guss has made these senseless and harassing allegations against me in order to have me removed from my Local 1000 presidency regardless of the facts or recommendations that are made from this independent arbitrator because according to the Policy File it states below the interesting facts/actions (4 to 1 negative consequences) regarding the HR1 disciplinary charge:

"9.0.02 Authority for Discipline

(a) Local 1000 has exclusive responsibility over discipline of its members.

(1) Local 1000 may take the following actions in response to a disciplinary charge:

- (i) Rejection of charges;
- (ii) Reprimand;
- (iii) Suspension from elected office within Local 1000;
- (iv) Removal from elected office within Local 1000; or
- (v) Other action Local 1000 deems appropriate."

However, it also states in the Policy File the following:

"9.0.00 DISCIPLINE

9.0.01 Criteria and Procedures for Disciplinary Action Disciplinary action may be taken for the following reasons:

a) Filing disciplinary charges or using the disciplinary procedures against another member or members for the purpose of harassment of the member or members so charged;

(b) Gross neglect of duty by a member holding an elected or appointed office or any other position in Local 1000...”

Mr. Guss’s selfish desire to remove me from office also shows his complete lack of respect for membership’s vote for new leadership and end the years of the political status quo for Local 1000. Unfortunately Mr. Guss is attempting to continue the rampant racism (harassment) against strong willed and defiant black men such as myself in this country except in this particular case I am not fighting for racial justice for black people but I am fighting for financial justice for ALL people. It is truly sad that Mr. Guss has fallen in love with his hatred and disgust with membership’s choice in choosing me to become the duly elected third Local 1000 President in its history. This monumental ruling will have enormous consequences for future Local 1000 presidents and other statewide leaders if any merit at all is given to this matter. Mr. Guss has comprehensively failed to prove any of his three allegations. Therefore, I am asking that these frivolous charges (no gross neglect proven) by Michael Guss be quickly dismissed for being baseless and without merit so the future for Local 1000 leadership will not be subjected to baseless, unwarranted and frivolous claims made by members who simply don’t like who the members voted for. As U.S. Rep. Bennie Thompson, chairman of the Jan. 6 Select Committee said last week about democracy-loving Americans: “When you’re on the losing side, that doesn’t mean you have to be happy about it... [but] we settle our differences at the ballot box.” We must protect the institution of voting in Local 1000 against racist and petty political grievances. We must protect the will of the voters against political grievances and nuisance lawsuits.

Thanks,

Richard Louis Brown

Richard Louis Brown
Local 1000 President
Inspire the Impossible 7437
richard.brown7437@yahoo.com

408-207-2339

July 15, 2022

EXHIBIT B-DLC767 PRESIDENT
RICHARD WAKE'S ABUSIVE TEXTS

To: [DLC 767 President Richard Wake](#)

Wed, Aug 18, 7:49 PM

Debate. Yes or no?

Thu, Aug 19, 6:28 AM



Clucking Chicken

[youtube.com](#)



Thu, Aug 19, 8:26 AM

Who is this?
Richard 7437

To: [DLC 767 President Richard Wake](#)

Wed, Aug 25, 6:49 PM

No debate at the event on Friday. No debate at the swearing in ceremony. Only on a Wednesday night where we take unscripted questions from members employees and the public.

That's the only way I'm going to do this. I'm also NOT going to speak with you one on one. If this not scheduled by next Wednesday I'll be doing it myself with an empty chair next to me. Your call.



To: [DLC 767 President Richard Wake](#)

on one. If this not scheduled by next Wednesday I'll be doing it myself with an empty chair next to me. Your call.



Clucking Chicken

[youtube.com](#)



Afraid to call on me again?

Chicken cluck cluck cluck!!

To: [DLC 767 President Richard Wake](#)

Wed, Nov 17, 7:08 PM

You're a bald faced liar

Hey Coward allow me on the
call I've requested it on my
phone

Wed, Dec 8, 8:41 PM



Clucking Chicken

[youtube.com](#)



To: DLC 767 President Richard Wake

Thu, Dec 9, 7:13 AM

DLC 767 President Richard
Wake

Thank you for your support
and encouragement.

Please don't call me a
coward and chicken.

You are better than this
demeaning name calling.

Richard 7437

..!.. read between the lines.

I'm NEVER going to forgive
you how you've
disenfranchised me from
attending the BOD meeting.
You could walk on water and
it would not matter to me.
Ben Arriaga is the
LEGITIMATE President of

To: [DLC 767 President Richard Wake](#)

Ben Arriaga is the
LEGITIMATE President of
DLC 767. He WILL be
attending the meeting and
he WILL be voting. Have a
nice day.

I am sorry for your anger and
resentment but Ben Arriaga
simply can't come in your
place because it was after
the deadline.

I will pray for you and hope
you can receive the peace
and serenity to accept my
leadership because you
can't just circumvent the
rules to fit your agenda.

Thank you for your
understanding,
Richard 7437

To: DLC 767 President Richard Wake

I am sorry for your anger and
resentment but Ben Arriaga
simply can't come in your
place because it was after
the deadline.

I will pray for you and hope
you can receive the peace
and serenity to accept my
leadership because you
can't just circumvent the
rules to fit your agenda.

Thank you for your
understanding,

Richard 7437

WRONG. You're a Bully, a
hater, you've messed with
the WRONG person.

To: [DLC 767 President Richard Wake](#)

Wed, Dec 29, 10:07 PM

Screw u brown

HA HA HA HA!!!!

Fri, Dec 31, 11:29 AM

Don't EVER refer to me as
being racist EVER again.
Screw that.

Wed, Mar 2, 8:38 PM

GET YOUR FACTS
STRAIGHT!

Sat, Mar 5, 9:51 AM

Hey ass hole - you must be
desperate breaking and
entering

SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE

LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

IN THE MATTER OF THE PROCEEDING

BETWEEN

**MICHAEL GUSS, DISTRICT LABOR
COUNCIL 794, ANICA WALLS, VICE
PRESIDENT FOR ORGANIZING AND
REPRESENTATION, SERVICE
EMPLOYEES INTERNATIONAL
UNION (“SEIU”), LOCAL 1000, SEIU,**

Charging Parties,

-AND-

**RICHARD LOUIS BROWN, PRESIDENT
(SUSPENDED), SERVICE
EMPLOYEES INTERNATIONAL
UNION (“SEIU”), LOCAL 1000, SEIU,**

Charged Party.

Re: Guss Closing Brief:

The foundation of a union is trust. Members of unions share some of the most confidential information in their lives—matters which have the ability to impact the livelihoods of individuals—with the union.

That trust is memorialized in two documents that are the foundation of our union: a 583-page Memorandum of Understanding with the State of California and a 105 page Policy file. The Memorandum of Understanding ensures that we are treated with dignity at work and the policy file ensures that our elected leaders treat their members—even members with whom they disagree—with respect. That respect is the foundation of our union being able to effectively bargain.

When Richard Louis Brown was the non-suspended President of SEIU Local 1000, that trust, and the standing of Local 1000, was undermined by Mr. Brown's actions as Local 1000 President.

Mr. Brown sought to crush dissent in the union, intimidate individuals into not having their voices heard, and prevent other elected officers from fulfilling their duties under the Policy File. Mr. Brown would seek out what would *hurt* a critic of his within the union and target that.

When Carolyn Alluis made a comment that Mr. Brown did not like on December 31, Mr. Brown responded by saying,

"Carolyn Alluis, I see you texting and putting up your facts. Fair enough. So you do all this talking on Facebook but you call and text me being all nice. That's who you are Carolyn Alluis. That's who you are. And I still appointed you on the COPE Committee and I still appointed Steven Alari on the COPE Committee. But that's who you are, and every time I have to expose you people for who you are, you get upset about it. You did

exactly what some of these Board members were going to do on Wednesday night, you don't care about this union the way you claim." (Ch. P-Guss Exhibit O).

Shortly thereafter, as Ms. Alluis testified, she was removed from the COPE Committee by Mr. Brown. Something that she worked hard on and cared about what taken away because of what she said.

When Richard Wake, then a Board Member of Local 1000, called into a meeting in December to announce he had resigned from the Board, he was met with an extremely hostile Mr. Brown who reacted angrily to Mr. Wake's announcement by saying:

"Well here's one right here, DLC President 767 Richard Wake. You are trying to run me out of office, you went to the insurrectionist meeting. Did you go in-person Richard, or did you have Been Arriagua go for you? You better hang up the phone and move on or I'm going to hang up on you and move on to somebody else. You don't want this action from me tonight Richard, no you don't Richard."

At that point Mr. Wake responded by saying, "You're a chicken and a coward."

Mr. Brown then began screaming at Mr. Wake,

"So now you're calling the local 1000 President in front of the whole world a chicken and a coward, here's my address, 3225 43rd Street. If you want to come down, talk to me in person and tell me to my face that I'm a chicken and a coward, because you can't even come to the Board meeting in person because you're possibly, possibly, I think, maybe the

chicken and a coward. I don't know Richard, if you want to be so strong and call me a chicken and a coward, then do my a favor, take your presidency back, come down, be a man, or a woman or anything you choose to be, and meet me in person on December 18th and 19th, but you don't want this action from me because you know the truth of God is not in you!" (Ch-P Guss Exhibit A).

Mr. Brown continued to target Mr. Wake in a subsequent video on December 31, where he stated, "Richard Wake...did your Mommy or your Daddy teach you that Richard?" (Ch-P Guss Exhibit O).

And Mr. Brown targeted me when he extraneously mentioned my religion after I called for SEIU International President Mary Kay Henry to intervene and stop Mr. Brown's abusive behavior and targeting of Board Members, including Vice President Irene Green. After my criticism, Mr. Brown began his statement with, "I've been waiting on you Michael Guss." And ended it with, "I got a Jewish cat sitting right here waiting on you too. You heard what he said, he said, that's right, so maybe you all go to the same synagogue. I don't know. You want to act funny Michael Guss, you've got the right one." (Ch-P Guss-Exhibit B).

Mr. Brown's actions were intended to intimidate the Board of Directors and keep them from exercising their fiduciary responsibility to oversee the union. Ms. Alluis testified that the Board Meeting in December was never called to order (Page 86) and Vincent Green testified that Mr. Brown had effectively kept Vice President Irene Green, his wife, from fulfilling her duties (Page 57). Mr. Brown believed that his election entitled him to the complete enactment of his ten point

platform and that the Board did not have the right to say no to any of his proposals. Essentially, Mr. Brown believed that his election made the Board irrelevant and that he was all powerful and could do anything he want.

The current Chairman of the Board, Bill Hall, has filed a lawsuit and obtained a temporary restraining order against Mr. Brown in the case *Hall v. Brown* in Sacramento Superior Court that addresses this issue and has been mentioned in an order during this proceeding.

Mr. Brown has continued his conduct of attacking his enemies, real and perceived, publicly during the course of this proceeding. It may seem minor, but Mr. Brown has intentionally misspelled my name in emails and documents throughout this proceeding. He, like all bullies, did this to elicit a reaction; and unfortunately he got the one he was looking for from me, as years of school yard taunts of "Gus is as big as a bus," came back. During the course of this proceeding, I have lost 50 pounds due to a medical diagnosis and a strict regime of diet and exercise. I acknowledge I could've handled that better.

But I am not the union President, I am not a representative of 55,000 members and 100,000 represented employees; Mr. Brown is. And he's continued to attack myself, Ms. Walls and the hearing officer in Open Letters to the Sacramento Bee State Worker Column and the Governor of California on social media (my employer, the Governor's Office of Business and Economic Development is housed within the Governor's Office, and by addressing that tweet to Governor Newsom, Mr. Brown was publicly attacking me to my ultimate management). (End Note One).

Mr. Brown also attacked his enemies and this process in his YouTube Videos where he said,

"Local 1000 has gone outside to get an independent arbitrator. They made things really tough by finding an African American so that I know that what I'm going through is racism, so they found an African American on the East Coast so quote they could pay him, that's real talk for some of us that understand what I'm saying because anybody that knows the history of America knows that during the slavery days when they were fighting the civil war, there were some slaves who wanted to stay enslaved, but that point being pushed off to the side, if Local 1000 is paying the independent arbitrator, then that's no different than when you're having a problem with an agency and you hire an independent attorney to come look at the agency, that independent attorney, always, normally rules in favor of the agency." (End Note 2; Guss Exhibit R).

There are countless other examples of this behavior strewn all over YouTube, Facebook, and Twitter. I do not have the time to list them all.

Mr. Brown's intent is not to follow the policy file, which calls for the Board of Directors to be an independent entity which, in our American tradition, serves as a check and balance on the Executive (the Board is ultimate jury about this matter), but to make people fear exercising their duties.

Subsequent to my filing of this complaint, the breakdown of our union's democratic processes under Mr. Brown's Presidency was covered in the Sacramento Bee (End Note 3; End Note 4).

Mr. Brown's behavior clearly violated 9.0.01(e) by preventing the Board, including but not limited to Vice President Green, from exercising its duties under Section 3 of the policy file.

Mr. Brown's actions, both in not allowing the Board to function properly and in his videos where he attacked union members and officers who were his opponents within the union brought great discredit to the union, as shown in press coverage subsequent to this complaint in the *Sacramento Bee*, and therefore violated Section 9.0.01(k) of the policy file.

Taken as a whole, the preponderance of the evidence clearly shows that Mr. Brown violated these two sections of the policy file. A recommendation to the Board of Directors for Mr. Brown's removal from office should be made.

Respectfully,

Michael Guss

End Notes:

1. Richard Louis Brown Tweet July 12, 2022:

[https://twitter.com/RichardReal7437/status/1546910152313319424?t=slc5YqtpHAVuKF
DsfWjV6w&s=19](https://twitter.com/RichardReal7437/status/1546910152313319424?t=slc5YqtpHAVuKF
DsfWjV6w&s=19)

2. Brown, Richard Louis "July 6, 2022 Fighting Thru Trials and Tribulations."

<https://youtu.be/jk7T0fQdyBY>

3. Venteicher Wes, "Judge Bars Suspended Union President from SEIU 1000

Headquarters."

<https://www.google.com/amp/s/amp.sacbee.com/news/politics-government/the-state-wor/ker/article259290459.html> March 10, 2022.

4. Venteicher, Wes, "We're At War: Opponents Reveal Embattled Union President's Past Troubles."

<https://www.google.com/amp/s/amp.sacbee.com/news/politics-government/the-state-wor/ker/article259211173.html> March 16, 2022

HR1 Anica Walls-Opening Statement

1. As the third duly elected Local 1000 President in Local 1000 history with 2,637 voters in a historic election of 5 candidates that included the 4-time incumbent of with 7,880 voters I have been under immediate and constant unwarranted racially and politically motivated attacks since it was first announced I had won this coveted position on May 24, 2021. **So this NOT a straightforward case of accountability! This is a sad but true story about America's Lack of Accountability regarding Racism and Politics in the Land of the Free and Home of the Brave.** America has a rich history full of undisputable facts of racial injustice against African-Americans particularly against outspoken and passionate black men that sometimes results in the loss of these black men's lives. These unwarranted racially and politically motivated attacks against me are really a covert attack on voting in this country and reminds us of the great struggle for voting for African-Americans in America. By attempting to remove me from office is an evil attack on the fundamental tenet of democracy in this country. This rich history full of racial allegations of the "angry uncontrollable" black man that is a threat to society and detriment to any organization is the same allegation that Local 1000 is portraying me to be-this is simply *classic* racism at best and tremendous sadness at worse. VP of Organizing and Representation, Anica Walls, is refusing to acknowledge and accept these two facts but is deceptively using the ancient art of lying to create the atmosphere of coordinated chaos and confusion to deceive others into believing that I am a detriment to Local 1000. To speak on it with straight talk about Anica's deception is to reveal the foundation for her meritless HR1 allegations against me! Local 1000 has never had to acknowledge that the largest public sector union in California had a racial and political problem because it comfortably hid under the fact the for 13 years, this Union, was led by an African-American woman who did what she was told and never challenged the status quo. My election victory revealed the truth about Local 1000! Therefore the racially and politically motivated attacks began immediately on May 24, 2021 with the implementation coming on the following day. I have refused to let racial and political attacks stop me from fulfilling my job responsibilities as the duly elected Local 1000 President. I have fully defended myself like other black men have done in the past but for some Americans this is a true threat to racial supremacy and racial civility but if I was a white man I would be considered a patriot and hero for the people-this is a fact! **On July 15, 2021, I paid Anica's \$4,300 in legal fees to Murphy Austin Adams Schoenfeld LLP in her battle against Local 1000 but Anica still attacked me!**

These unwarranted racial and political attacks on my legal powers, on my dignity and on my self-worth is racially amplified by the selection of an independent arbitrator which clearly violates the following Local 1000 Policy 9.2.00 Hearing Officers Panel

(a) This panel shall consist of at least 14 active members, at least two from each area office, with terms which begin upon appointment and end simultaneously with those of DLC and statewide officers following each regularly scheduled election. In making appointments, the President shall endeavor to have representation from the DLCs and the BUNCs. The panel shall be responsible for conducting investigations, hearings and making recommendations to the Local 1000 Board of Directors on matters referred to it pursuant to this policy.

Therefore NHO La Rue with his impeccable legal profession and well deserved recognition for his accomplishments is unfortunately not a California state employee represented by Local 1000 so he can't arbitrarily be the hearing officer or be part of the hearing panel-he is not part Local 1000 membership! The selection of NHO La Rue sets an illegal precedent for Local 1000 and for reinforcing

the idea that there is a well-planned plot to remove me from office. In today's society the "Cancel Culture" appeal equates to the "Opinion Game of My Feelings Are Hurt" Phobia of Progress Psychology. This pervasive attitude and belittling mindset has absolutely nothing to do with facts but is totally based on opinions of a few members' closed-minded view which doesn't afford or allow the willingness to accept the voice aka vote of membership that wants to create a new culture of excellence based on my 10 Point Platform that transforms Local 1000. This historical transformation from a political/social justice organization and financial sponsor for the Democratic Party to a Labor Union that is not involved in partisan politics but represents all of its people regardless of their political affiliation and only fights for substantial work wage increases with the absence of management abuse is well long overdue! These racist and political attacks on me is because my outspokenness as a black man and military veteran along with my 10 Point Platform that offers redemption that boldly states my following 10 Revolutionary Ideas that has caused a CIVIL WAR within Local 1000 because of the hope it gives membership for a new tomorrow:

10 POINT PLAN & REDUCE DUES BY 50%

- Create new financial spending (**NO POLITICS & NON-GERMANE ACTIVITIES**). This includes Local 1000 staff FINALLY getting guaranteed medical retirement benefits-end the hypocrisy!!
 - Eliminate **SALARY STIPENDS & TIME REQUIREMENTS** for **ALL volunteer** elected positions!
 - Create a two-term limit for **ALL volunteer** elected positions.
 - Create a single Union membership class who **ALL** have the same voting rights and job stewardship regardless of paying status.
 - Create transparent accountability by publishing **ALL** questions along with the answers on a new Union secured website available to ALL represented employees!
 - Create guaranteed enforceable Union contracts by finally hiring a **TEAM** of college-educated experienced professional labor negotiators to aggressively fight for substantial compensation (21%) that includes GEO pay and COLA for **everyone**.
 - Create trust and accountability through videotaping 1) the entire voting process (printing, mailing, opening and counting envelopes with their ballots) and 2) quarterly General Councils/BOD meetings.
 - Eliminate the **3.5% OPEB-CERBT** deduction from our paychecks!
 - **Create and use a strike fund to support lengthy contract negotiations.**
 - Create a new, independent Local 1000 identity.
2. These unwarranted but well-orchestrated attacks by a small group of self-serving individuals posing as Local 1000 leaders include VP Anica Walls first started with the police being called to my home on May 25, 2021, at 5:00am on a false allegation that there was a woman in my house screaming! Fortunately I survived this encounter with the police when the history of black men encountering police in this country is often times filled with violence and sometimes resulting in death! This false allegation is called **swatting** which is a prank call made to authorities with the express purpose of luring them to a location -- usually a home -- where they are led to believe a horrific crime has been committed or is in progress. This results in a forceful response from local police or SWAT teams, who have no way to know the call is a hoax. However, the unwarranted attack through the use of swatting did not result in **the loss of my life** or being arrested because the police had an open mind and did not succumb to the racist stereotype of black men being confrontational and angry when dealing with the police or in positions of leadership but. The police did not yell at me with guns pulled with a rush to judgment but instead patiently gave me the utmost respect to communicate to them regarding this false allegation. So this racial and political converted into manufactured attacks sent everyone with a first grade

comprehension level that Anica and others would not stop until they had either taken my life or taken my position through use of vigilante justice.

3. Within seven months of taking leadership these orchestrated and unwarranted attacks eventually morphed into frivolous and baseless matrix of HR1 allegations that one needs a degree in mental gymnastics to follow the absurdity. I tried to “Win Without War” by working with Local 1000 leadership but to avail because of their closed minded approach so membership has greatly suffered due to the intoxicating immoral intelligence of a certain number of individuals starting with Anica Walls. There is absolutely no written correspondence to show progressive steps of communication from VP Walls nor the other 2 VPs factually stating that I was intentionally violating the Policy File in these 10 areas of wrongful doing before VP Walls and the other 2 VPs politically took unnecessary action against me. **This is further substantiated by the fact that Anica Walls does not have any witnesses who want to OPENLY collaborate her desire to remove me from office!** This again is in stark contrast to my initial list of 100 witnesses that would have clearly exonerated me from these baseless allegations. I narrowed down my 100 willing witnesses including the former Local 1000 President, Yvonne Walker, to only 65 witnesses. However NHO La Rue would only allow me to have 10 witnesses which I strongly believe incredibly limits my ability to defend myself against these meritless allegations.
4. However since my leadership has begun on June 30, 2021, it has been totally disrespected with VP Walls leading telephone conferences on 10 different occasions with Local 1000 leaders immediately after May 24, 2021, regarding the development of a HR1 removal strategy/plot to eliminate me from office so VP Walls could become the new Local 1000 President without ever having the courage of her convictions to run for this top position in an election. VP Walls also tried this “**suspension tragedy**” in 2018 with the former President, Yvonne Walker, to no avail. Local 1000 Board member and DLC 772 President, Mary De La Cruz stated this plot to remove me from office through the HR1 process on my YouTube video titled “Courage of Convictions-April 20, 2022” at 1:10:25 through 1:25:30 at the following link <https://www.youtube.com/watch?v=grw-O3d8Mus>. Coincidentally, VP Anica Walls stated in writing that she wasn't planning on removing me from office which was a direct lie. Yet her 2021 running mate for VP for Bargaining, Kevin Menager, told the gospel truth on Facebook with this post on June 17, 2021 at 10:30 a.m. Of course Anica was well aware of Kevin’s desire to remove me from office because he took part in these telephone conferences in discussing the development of a HR1 removal strategy/ plot to remove me from office before I was even sworn in on June 27, 2021, with my first day in office coming 3 days later. Kevin’s honest Facebook statement about removing from office before 6 month would cause a revolt is highly disturbing and Anica never tried to stop this type of disharmony because she was in full support of this type of anti-union rhetoric and this reveals Anica’s true motivation that she never had any good faith intentions on ever working with me. Anica instead allowed her 2021 slate member to attack me like dogs were allowed to attack nonviolent peaceful African-American protesters in the March 7th, 1965, 54 mile “Bloody” Sunday march across the Pettis Bridge from Selma to Montgomery for voting rights for black people-this eventually led to the 1965 Voting Rights Act. Unfortunately Anica’s political ambitions allows her to use others like Kevin to help Anica achieves her own personal goals while vilifying me in the process which Kevin will not ever deny. Kevin’s unprovoked attack on me encouraged other racial hostilities against me such as Denis Quinn Allen’s smiling “white teeth” clown caricature of me on Facebook that involved using another African-American as cover to this racist stunt in addition to Ms. Allen calling me “What a Dick” on my Wednesday night “Local 1000 Listens to You” on August 11, 2021, Please see the following video

link at <https://youtu.be/AOdu1lpR78s> starting at 52:07 where Ms. Allen said this unprovoked derogatory statement at 52.57 of this video when she thought I was ignoring her. Yet Anica fully approved of these racist and political attacks. Once people knew that there would be NO ACCOUNTABILITY for racist attacks against due to Anica and a fee other Local 1000 leaders fully approving these actions is caused a real hostile workplace for me. In fact this racially charged and highly insensitive "Coon" caricatures are again shown on Facebook on January 16, 2022, by Jonah Paul regarding the 2022 Local 1000 Budget failure. Please take note that SEIU International President Mary Kay Henry and Local 1000 DLC 786 President Theresa Taylor who also sits on the CALPERS Board are proudly and pristinely presented in this race-filled caricature while I am presented as the "angry, aggressive, and intimidating black man" or as a "silly" unintelligent clown. Reminds us of Emmitt Till, the Black Panthers, and other black men that have been portrayed in this country as dangerous and controversial or as nonintellectual. Of course Anica fully approved this type of racial behavior while accusing me of me detriment to Local 1000!

Thursday, June 17, 2021



VP Anica, Kevin, +1



10:30 AM

Kevin

Can you give us 90 days with a new board? Actually, six months would be the fairest because then we'd all see how he handles the BoD mtg in Dec. But in the meantime he has got to be silenced from publicly speaking on behalf of the union. If he goes off on his own in contradiction of the union, he could/should be suspended. Those charges would have to be ironclad in order to call a special mtg to remove him. I hear your concerns. Truly I do. But the membership would revolt if we casually overturned an election.



MMS 6:38 AM


1:57




[Back](#)

Defamation??



Denise Quinn-Allen is  supporting
SEIU Local 1000.



1d · 

SEIU Local 1000 Board Meeting Scheduled for
tonight, April 18

The Local 1000 Board of Directors will hold a
meeting tonight, April 18, 2022, from 6:30 – 8:00
p.m.... See more



15:59 ↗



State Employees

Jonah Paul · 45m · 🌐



This was sent to me from the dark web meme stash and made me chuckle. Sometimes you just have to laugh. Hope we can turn this situation around in the new year and get to the difficult work of organizing for a good contract.



👍 Like

💬 Comment

➦ Share

👍 2

6. Certain media outlets have portrayed me as the “controversial” black man that is solely responsible for his problems which supports the racial belief of an “angry” black man while never allowing a man of color to be passionate outside the entertainment arena of sports, music, movies, and the field of religion in his efforts to fight for ALL people for substantial wages and for dignity in a union contract!
7. My “NHO La Rue” limited 10 witnesses will highlight the multitude of lies and personal agendas by VP Walls and others in their coordinated efforts to remove me from office. Again I must state that I did submit a witness list of 65 members after I personally narrowed it down from 100 but NHO La Rue refused to allow me the full ability to show the voice of membership to exonerate me versus the select few who are trying to destroy the democratic voice of membership!
8. It should also be noted that NHO has also refused to allow this hearing to be open to membership. This is a violation of the Local 1000 Policy File 9.1.01 Procedure for Institution of Internal Grievances that states the following:

(c) The hearing shall be open unless a request for a closed hearing is made by the member whose actions are alleged to be the cause of the grievance.

Since I lost my legal representation on June 8, 2022, because of financial reasons I have repeatedly demanded to have my hearings open! I initially was talked into having my hearing closed by my legal counsel when after I was admonished by NHO La Rue in our first hearing conference in April about injecting my refusal to a closed hearing in front of my attorney. My attorney never consulted me on having my hearing closed prior to my April hearing. Therefore I have insisted after losing counsel my hearings be open to no avail so the idea that I am being railroaded is being built fact by fact on a daily basis starting with keeping my hearings closed. There is no valid reason or harm being committed with having transparency unless there is something to hide or conceal from the public. Transcripts don't reveal the emotions or full intent of words spoken in hearings so I am requesting the zoom videos of all of these HR1 hearings since I am not allowed to have my hearings open to the public for informational and review purposes. It should be noted that Anica who ran under the Members for Transparency and Change banner in 2015, 2018 and 2021, did not support these HR1 hearings be open because she knows she is not telling the truth and membership knows this crucial fact as well about Anica's complete and comprehensive ability to NOT tell the truth.

9. VP Walls has made numerous salacious and slanderous statements and she has defamed my character in her efforts to remove me as the Local 1000 President and silence the voice of the voters. Anica stated on 5 different times in her August 8th, 2022, HR1 testimony per the transcripts on pages 222, and 286-287 that I took a Local 1000 printer from Local 1000 headquarters. This perpetuates the racist stereotype that black people can't be trusted and will always steal to get ahead. Yet Anica can't produce any factual evidence of this alleged theft of a printer. This is just one quick example of her slanderous and fictitious statements which reflects her personal vendetta to remove me through the HR1 process. If Anica is fully committed to lying on something as small as me taking a printer then what else is Anica willing to lie about in her calculated efforts with others to remove me from elected office so she can be the new non-elected Local 1000 President?

10. The apparent truth is Anica is willing and has been practicing the fine art of deception on unknowing and gullible people in order for these people to accept her fabrications of the truth to remove me from office. Anica doesn't even answer her emails 90% of the time because she is too busy trying to be the Local 1000 President versus simply doing her job as VP of Organizing and Representation! Anica refuses to allow her critics ask her questions on her Tuesday evening 7pm shows because she views herself above reproach while in the same hand watching me display leadership abilities by engaging anyone including herself because she admitted to attending my show on Wednesday evenings in her August 8th testimony. Therefore she makes these meritless HR1 allegations due to her inability to FULLY accept the fact that she hasn't had the courage of her convictions to run for Local 1000 President in the past 2 elections. Instead she would rather hide in the background from the responsibility of being a real leader and cause confusion and chaos for membership and discredit the professional image of the largest public sector union in California and ensure the continued but quietly held negative connotation of unmanageable blacks in the ultimate key leadership roles for organizations.
11. Another example of Anica's meritless HR1 allegations that I am selfish and all powerful is her recent August 20 -28 vacation to Norway on members' money stating it was to help the members obtain a better contract. Well Anica was told by Local 1000 leadership that this trip was ill-timed and not warranted. However Anica refused to listen to wise advice because of her selfishness and personal self-serving agendas. Therefore, she vehemently disagreed to being financially disciplined in regards to Local 1000 spending and to her fiduciary responsibility as the Local 1000 VP of Organizing & Representation and Board member. This has caused great discredit to the Union and its efforts to increase membership. She convinced her campaign running mate and Local 1000 VP David Jimenez to approve this trip while never in advance informing the Board or membership of this membership paid vacation. Anica knew for several months of this vacation to Norway so here is the real reason why she tried to rush through this HR1 process before she left for her European vacation on membership dues. Her hypocrisy in her meritless allegations of my financial misspending reveals the fact that she is the one that spends money selfishly. Anica's vacation arrogance has caused an embarrassment to Local 1000 and the consternation of a majority of the Local 1000 Board. Board members have asked for questions to be answered by Anica but she feels she is too smart, too educated, and too above the Board to answer these financial questions yet she accuses me of financial malfeasance. We need to hold Anica accountable for her actions for filing her meritless HR1 allegations along with her European vacation on members' money because unfortunately she is not one of Local 1000's awesome leaders!
12. Anica deceptively doesn't inform anyone where in the Policy File the Local 1000 President can suspend the duties of the 3 VPs because she used the same correct 9.0.03 section when she and the other MTC VPs tried in 2018 within 7 months of being elected to suspend the former Local 1000 President. However, the current Chief Counsel, Anne Giese, didn't support suspending President Yvonne Walker in 2018 but ironically now supports suspending me because of internal politics. Anica is playing "hustle" games to validate her personal feelings and vendetta against me. This truly reflects Anica's immense level of entitlement and wholesome arrogance while deceptively saying that I am a detriment to Local 1000. This is why she tried to talk me out of running for Local 1000 President in 2021 which she admitted to in her August 8th testimony. However the voters did not accept Anica's hypocrisy after she stated in 2018 that she would not accept the salary stipend but indeed secretly took this stipend anyway in 2019-I was voted as by membership for Local 1000 President in 2021 to Anica's amazement

and disgust! What Anica doesn't inform anyone is the "Speak On It" truth and "Straight Talk" doctrine that she is the real problem for Local 1000 with her malicious attempt to destroy the voice of membership regarding the election of the Local 1000 President by her actions to remove me from office. Anica has deliberately failed to mention that she never had a Local 1000 authorized platform to speak to stewards until I provided her that unique venue that allowed her to do her job. Yet she said in a 2021 campaign "Shop Talk" video that the former Local 1000 President locked her out of office, didn't allow her to do 90% of her job, and wrote her up for giving unauthorized information to the Board. Ironically the 3 VPs including Anica were suspended of their official duties as clearly stated in their HR1 and suspension letters given simultaneously by me on February 25, 2022, for leaking confidential information and supporting the illegal October 16-17, 2021 vigilante justice "coup" Board meeting at the Sacramento Democratic headquarters building that was centered on creating an illegal "Chair" position that will have all the powers of the Local 1000 President except for authorizing union leave! But true to form Anica quickly retaliated against me by getting the other 2 VPs to agree to suspend me on February 27, 2022, with their own suspension letter with their HR1 letter coming afterwards around March 6, 2022, which violated the Local 1000 Policy File.

13. Facts can only offer a limited view on complex situations so one must know the background regarding the facts to truly understand a situation and its mitigating factors in order to discover the answer to a problem or allegation. Local 1000 is a complex situation based on political power and intrigue so let me offer a quick review which will illuminate why Anica's HR1 allegations are a complete sham! For the last couple of decades information has moved faster and farther than ever before, all thanks to the internet. Yet, the inter-webs so called intellectuals make no distinction between fact and fiction, and in many instances assist bad information in traveling faster. Today, a person's credibility is judged by their social media presence or how many followers they have instead of their character and soundness of arguments. This spells really bad news for people of color regardless of the facts!
14. On June 9, 2021, exactly one-week after the announcement of my election victory an all-out media campaign to slander me was launched. The article borders on being a dumpster fire of journalistic misfeasance. Filled with unsubstantiated rumor and innuendo the article drops well-worn 2013 styled blue dog talking points of Fox News, wink and nod, and everyone knows statements.
15. Fact: Incumbents run on their record. The article leans heavy into former President Walker's 13 year history from a boots-on-the-ground perspective and provides the missing context why this election defeat was long overdue. Previous coverage has been so grossly biased that I am compelled to return the discussion to an equal footing. To date all coverage has been to sell fear and smear me as a right-winger, Right-to-Work, Freedom Foundation tool, when the reality is I a throw-back union reformer. In other words I am a real Labor Leader who is completely focused on Local 1000 represented employees versus being a servant to politicians.
16. Unlike the aforementioned article I will lay out some facts that have still gone unreported by any media outlet which will highlight why Anica's meritless allegations must be dismissed or risk the possibility of a grave injustice being committed.
17. Local 1000 is painfully divided into two warring factions between former President Walker's supporters versus Members for Transparency and Change (MTC) which Anica Walls is its most visible member. This war has operated for the most part behind closed doors and led by a dictatorial union boss for the

last 13 years. In this time President Yvonne Walker had been able to surround herself with sycophantic followers all too willing to sell out the membership if it meant currying favor with “Momma Bear.”

18. In the 13 years Yvonne Walker sat at the helm, dues paying membership has nosedived to a fraction it once had. Since 2008 the trend has continued its downward spiral except with a minor increase over the a few years.
19. Under Yvonne Walker state employees have lost several days of pay to every California Governor regardless of their political party either through forced furlough or voluntary sacrifice under the threat of furlough!
20. During contract bargaining, in 2016, Yvonne Walker walked away from contract negotiations to prioritize and force a Statewide Officer stipend vote during a 22-hour marathon council session. After returning to the bargaining table, received a lesser offer and announced the contract had been ratified through a prerecorded video without ever divulging the results of the membership vote.
21. During 2018 contract negotiations Yvonne Walker lied to the membership by stating that retirement health benefits were not a guaranteed right despite the fact it was expressly spelled out in California Government Code.
22. Yvonne Walker would always quote a great American and former slave’s statement “Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them.” - Frederick Douglass. This quote about power is why Anica racially has stated that I am all powerful because of what the great Frederick Douglas said but Anica would never say that about a white man! Anica has a problem with African-Americans in power. This was exemplified by Anica’s rejection of her former MTC colleague and former 2018 VP of Bargaining, Tony Owens, in his efforts to run for Local 1000 President in 2021.
23. While most of the old guard is gone Walker’s manipulative lemming-like followers are still present and reeling from their demagogue election loss. The full-throated volume from them has increased exponentially but their numbers continue to wane. Screaming with their hair-on-fire is only a desperate cry for the return to bygone days where they can operate in the dark corners unquestioned. Yet, if you scratch the surface of their vitriol against the new President you will find no substance to their alarmist squawking. Despite all the made-up garbage that has been disproven as lies it has not stopped the Facebook crowd from repeating them, or inventing new ones. The constant drumbeat of fact-free labels invented by a small organized loyalist group, and their cult followers, has only served to brainwash themselves into believing their own hate-speech. Yet Anica could not get any of these witnesses to openly support her worthless allegations at these hearings because they don’t trust Anica and they also don’t want to perjury themselves because they are also guilty of plotting to remove me from office.
24. It is unfortunate that in today’s world rating’s, not news, drives the corporate news outlets. How do you drive ratings and even get the most intelligent fact-based people to take notice? By simply providing even more sensationalism than your competition with offering just the facts without providing the entire story. It is also equally true that cable news no longer tries to hide the fact that they are firmly captured by the two-party political system and owned by a handful of multinational

corporations. What's more if you are a person that questions the status quo such as myself then you are instantly labeled as being in the other guy's camp and by default automatically attached to everything that camp believes, also known as identity politics. My 10 Point Platform challenges Local 1000's status quo which the news covered in a malicious way to discredit me with Anica playing her part in the attempt to remove me from office for the greater good.

25. For instance, one particular theme that continued to surface in the article is my appearance on Fox News. The duplicitous use of Fox News is thrown out to chum the waters for readers who subscribe to one particular camp. If you follow this line of hypocrisy then the label of Fox News automatically makes Mr. Brown a messenger for the corporatocracy, RNC, a tool of Koch Brothers Inc. or the Freedom Foundation, etc. Yet, none of this has ever been substantiated nor does any article even attempt to point to an instance where I have ever endorsed ANY such right-wing group think. I am a registered Democrat yet Anica has labeled me through her baseless allegations as an all-powerful anti-union threat to the financial stability of Local 1000-this is absurd. However I can look at the facts and distinguish them from opinions so I can appreciate people and their ideas from all political parties while still leading and supporting union values without having to demonize others for having different opinions.
26. I will remind everyone that as late as August 2016, Fox News and the RNC ran on a platform of 'anyone but Trump.' To be fair, yes, Fox went all in after the November election. I will point out also that Fox News has interviewed people like Bernie Sanders, Glen Greenwald, Dr. Cornell West and the esteemed philosopher, Professor Noam Chomsky. When is the last time you have seen a news segment on Edward Snowden or Julian Assange on CNN? If one of the "approved" media outlets had offered to interview me don't you think I would have eagerly accepted it in order to increase membership?
27. The leading statements are delivered with the stylized Outfoxed, everyone knows bend but that is the extent of investigative journalism one receives from these articles. I have very pointedly stated "If they swear me in, I'm going to go on national TV and give interviews to anybody that wants to know the truth about the corruption of this union that I belong to ...". Not once was it pointed out that CNN, or any other left-leaning news outlet has reached out to interview me because I don't fit their already entrenched theme. But when have black people ever originally fit the narrative for America unless we are in servitude role. Fox News was eager to interview me for one obvious reason, a union president had the audacity to not blindly support Gavin Newsom, emphasis on (D). The entrenched belief for decades is that labor always backs Democrats while business backs Republicans. The media continues to drive this long worn-out stereotype without ever examining the factuality of their convictions. If you are a good - insert political party here - you don't question the status quo. How many remember that it was President Clinton (D) who signed NAFTA into law?
28. When California went into COVID-19 lock-down one of the first things Democratic Governor Newsom did was the same thing the two previous Governors had done, balance the budget on the back of state employees. Under Local 1000 President Yvonne Walker, both Governor's Brown (D) and Schwarzenegger (R) cut state employee pay. In 2020 a side letter agreement was reached, while under a signed contract, where Yvonne Walker unilaterally gave up two days of pay. State employees represented by Local 1000 have not fared well under President Walker's 13 year leadership regardless of the Governor's political party.
29. Instead of clinging to the now disproved theory that bribing politicians to do their job is just the way things get done we can now have a more balanced foundation for discussion. The article went to great

length to emphasize that my cardinal sin of not supporting Gavin Newsom (D), but only Fox News reported that I did not endorsing any candidate in the recall election. This important piece of information wasn't even mentioned nor does it fit the characterization the opposition so desperately wants to prove.

30. Sure the Koch Foundation/Rush Limbaugh/Sean Hannity/or fill in your own ideologue, will rant about special interest donations while simultaneously looking the other way for their approved funneling of corporate dollars into Republican coffers. The truth is, according to [opensecrets.org](https://www.opensecrets.org), labor has consistently ranked 12th in total lobby dollars since 1998 and remains minuscule to other sectors like Health Insurance, Banking, and Defense.
31. How well has Yvonne Walker's campaign donations helped with lost days of pay, or contracts that don't outpace inflation under (D)emocratic Governors? Moreover under Yvonne Walker's administration then (R)epublican Governor Schwarzenegger furloughed state employees costing them three days' pay each month and some lost even more. When the dust cleared Yvonne Walker made the unilateral decision to drop the lawsuit against the Governor without any input from the Board. Other bargaining units who pursued their own lawsuits were eventually made whole.
32. Speaking afterwards on Local 1000 dropping the lawsuit against the State of California.
33. Lynelle Jolley, spokeswoman for the state Department of Personnel Administration [2011] "The agreement is a good deal for the state on two fronts ..."
34. First 5 California, the Prison Industry Authority, the California Earthquake Authority, the California Housing Finance Agency and the California State Lottery all received reimbursement.
35. It costs taxpayers nothing, since all five departments are completely self-funded.
36. Local 1000 also agreed to drop four other furlough lawsuits pending in Alameda, Sacramento and San Francisco courts, Jolley said. Those lawsuits had the potential to cost the state tens of millions of dollars in back wages and interest for roughly 80,000 of the 95,000 workers the local represents
37. No vote of the membership was taken. No rescue by SEIU International ever arrived. The small group of insurrectionists backed these decisions without question. They do not represent our membership, our values and they certainly don't protect our vote!
38. One of the key points the media liked to focus on is the number of votes cast in the election, 7,880. The number by itself is meaningless without any context, but the approved messaging would have the reader believe only a small fraction of the membership bothered to vote.
39. The last statement is true, only a small fraction of the membership voted, just like in the previous elections, 2018 = 7,230 total votes and 2015 = 4,475 total votes. All organized under Yvonne Walker and places the 2021 total at the top for voter turnout.
40. A centrist approach would be to ask the former President why previous elections under her leadership cannot record a paltry 15% of the union's eligible voters. Instead these journalists give a free pass to the former administration who had overseen all member votes since 2011, including two unreported strike votes and three unreported ratification votes.

41. According to historic research there was never, at any time, a re-do election under Yvonne Walker until 2021. A President that had run 4 elections and multi-votes waited until this election to screw up is hard to believe. A do-over for VP Bargaining cost the members \$300K.
42. Yet, unreported was the fact that one of the DLC Presidents was not eligible to run at all. This information went unreported while her name was found to be attached to a list of anti-democratic agenda items submitted in August.
43. A year+ after Governor Newsom had taken nearly 10% from state employees, in a post-election, lame duck emergency session the union leadership rushed to express their fealty to the Governor and donate \$1M to combat the recall attempt against him. The call for the emergency Board meeting was delivered on the same day it was announced that I was declared the winner on Friday, May 28, 2021. This was also Memorial Day weekend which meant that the only day Board Members could have possibly polled their membership was Tuesday, June 1, 2021. That one day was very clearly not enough time which means that Board acted on their own interest and not in their members' interest as it is specified in the Policy File. This is the status quo these "leaders" endorse and would have you believe that is the only way business gets done.
44. Many Board seats changed on June 30, 2021 so not every current Board member ever had a vote on this matter. However, the membership should know that many of the loyalists who also ran unopposed, still hold a board seat and still cling to the status quo.
45. On June 30, 2021, my first full day in office, demands to hold the SBAC began reverberating across Facebook. Accusations of cancelling full-time union leave fell on me yet the end of union-leave was caused by President Walker's unethical departure to facilitate a smooth transition of authority. Her actions were akin to tossing the keys as she exited and waving a middle finger to the incoming President.
46. For a month this campaign was waged at the President-Elect and this is how the previous administration her loyalists along with MTC supporters welcomed theme as the new incoming President.
47. On July 2 the do-over election for VP of Bargaining began, saddling me with \$360,000 of debt on day two but Anica deceptively stayed quiet about the \$360,000 that could have been easily avoided. Anica had a vested interest due to her running mate, former 2018 VP Secretary-Treasurer, Kevin Menager, running for this position. If he won then Anica and her 2 MTC running mates would be able to remove me from office much sooner but Yvonne Walker slate member, Irene Green won this position. So the two warring factions would have to work together to remove me from office but neither side trusts the other side so it would take time for put together these meritless allegations.
48. On August 6, 2021 the protest period had ended and Irene Green was elected again due to the fact she had won the initial 2021 VP for bargaining position but a redo election was warranted due to two candidates were eligible to run for this position. I showed class by congratulating her personally, yet the opposition had to find the negative and complain about the cost of sending a card. So being polite, having manners, and showing class is something that has to be turned negative.

49. On August 11, 2021, the Taylor mother and daughter tandem put their lack of class on display uttering their now famous racist, homophobic and sexist quote. Yet, nobody from the Board denounced this vulgarity for what it was. Yet the loyalist and their cult followers want to point fingers at me when his first five weeks have been filled with nothing but hate and vitriol being spewed at me like I am a monster aka detriment to Local 1000. Anica again stayed deceptively quiet and she continued to let people speak negatively on her Local 1000 Speak On It show on Tuesday evening that I authorized because of her desire to foster the climate of hate to remove me from office!
50. On August 20, 2021, exactly one-week after Irene Green declared VP Bargaining the small cabal of oppositionist on the Board submitted their agenda to change the structure of the union (Bylaws, Policy File).
51. From the time of taking office until now it had been 37 working days. In 6-weeks I was labeled the greatest threat to the union. They said I was going to destroy the union and I had been called every name in the business. In 37-days some members on the Board determined they had seen enough and that a complete structural change for the union was needed overriding the membership vote.
52. Was it only 37 days? Those agenda items were not written and submitted on the same day. This agenda was in place long before the day they were mailed. How long before is the real question? Did they start writing the day he took office or the day it was announced he would be the new President? Either way they rushed to make a judgement about President Brown long before he had ever taken a single action as the sitting President. **Anica was a co-leader of her own plot to remove me from office which is verified by Local 1000 Board members on video on April 20, 2022 and by affidavit by one of these members, DLC 772 President, Mary De La Cruz.**
53. I am considered by many to be a firebrand which may be a reflection of my Midwest upbringing. My unconventional approach appeals to some and turns off others. The controversy that surrounds me is fed by entrenched loyalists spewing their same old, hollowed-out, bombastic rhetoric befit for only the fringiest of Q'anon subscribers.
54. What pillars of the establishment have shaken up so much that has caused such backlash? My 10 Point Platform has such audacious goals like union transparency [gasp], union accountability [shocking], eliminating salary stipends for the statewide officers [shame], setting a two-term limit for all volunteer elected positions [oh the humanity]! My agenda has been referred to as the final death knell for Local 1000. Unbelievable! Almost akin to allowing blacks to vote and attend schools with whites! Anica used this animosity against me to justify her well-planned HR1 meritless allegations
55. Furthermore I have openly stated the union will increase representation of state employees at their worksites! A clear departure from the consecutive years of hemorrhaging job stewards under the previous leadership. Reversing course I eliminated Yvonne's LAPS program that was immediately recognized to be a nine month-long loyalty test rather than a program to develop new stewards. I have stated anyone that wants to be a steward can be a steward and has restored many employee stewardships since his first day. Yet, Anica claims that I am self-absorbed yet I have appointed on average a steward per day since taking office up through February 2022 but Anica refused to do weekly training for these new stewards because she wanted to claim recognition for this amazing turnaround!
56. Under Yvonne Walker 100,000 state employees were represented by ~500 job stewards, at ~2,100 job sites statewide, you can do the math.

57. This opening statement has leaned heavy into the former union leader, and why shouldn't we? Yvonne Walker had 13 years she justified by saying she wouldn't have changed a thing. Yet candidate Walker never once put out any publication in the last several elections stating what her position was on any issue. Instead she only promised more of the same. This was accepted by the media, and her loyalists, at face value without ever attempting to examine her track record. Anica has followed the same steps.

58. Even before I was sworn into office old guard loyalists and other factions (MTC) screamed at nauseam their opposition to term limits for elected leaders, their willingness to accept side letter agreements that reduce our pay while under signed contracts, opposition to real representation through arbitration and stronger bargaining power by going on strike. Is it too much of a stretch to consider MY agenda might not be the problem in Local 1000 since I did win the election!

In summary this is Another American Tragedy of a Black Man being persecuted for no reason except it doesn't have anything with fighting for equal rights for African-Americans. We understand that the racism that affects African-Americans is far greater than racism that other minorities are affected by due to the fact of how many African-Americans arrived in this country. The cops being called to my home is another reminder that Emmitt Till tragedy started the civil rights movement of the 60s! The fact is as the duly elected Local 1000 President I have legal powers to run the largest public sector union in California but I am not being given this legal right due to racism and politics. These legal powers are factually stated per the Local 1000 Policy File 3.0.03

Duties of the statewide officers

In addition to those duties set forth in the Bylaws or elsewhere in this Policy File, the duties of the four statewide officers shall include:

(a) President:

(1) Administering the daily affairs of Local 1000, carrying out the policies and procedures of Local 1000, executing the plans and programs of Local 1000 and between meetings of the Local 1000 Board of Directors making all necessary interpretations or clarifications of Local 1000 bylaws and policy.

(2) Scheduling and presiding over all meetings of the Local 1000 Board of Directors and the Local 1000 Executive Committee.

(3) With the exception of SBACs and their respective BUNCs, appointing all committee members, subject to disaffirmation by the Local 1000 Board of Directors and serving as an ex-officio member of all committees.

(4) Representing Local 1000 on the CSEA Board of Directors.

(5) Being Local 1000's chief negotiator for any master contract negotiations, or may delegate that responsibility to the Vice President for Bargaining for any master contract negotiations.

(6) Performing such other duties as may be prescribed by the Bylaws, this Policy File or as directed by the Local 1000 Board of Directors.

(7) Coordinating Local 1000's activities at CSEA General Council and chairing all meetings of Local 1000's General Council delegates.

(8) Reviewing agenda items submitted for Local 1000 Board of Directors meetings and referring or deferring agenda items.

(9) Being Local 1000's main spokesperson in communicating with media representatives regarding collective bargaining issues, progress of negotiations or other items of Local 1000 policy or positions.

(10) Providing methods of communication amongst the Local 1000 Board of Directors, DLCs, SBACs, BUNCs, and Local 1000 members and non-members, on all matters, including those within CSEA, affecting Local 1000.

(11) Receiving all management notices of changes in terms and conditions of employment.

(12) Between contract negotiations, appointing all members to meet and confer negotiations with the State of California or other recognized employer which are unit specific.

Therefore I have the legal and vast (12) powers to run the day to day operations as the Local 1000 President while the 3 VPs have very specific roles such as VP Walls (7) is clearly stated in the following Policy File 3.0.03 Duties of the statewide officers

(c) Vice President for Organizing/Representation:

(1) Acting as a spokesperson for the DLCs.

(2) Filling DLC vacancies, except for delegates to the General Council, whenever procedures to fill vacancies do not exist or have been exhausted and vacancies still exist.

(3) Assisting the President in administering the affairs of Local 1000.

(4) Administering a job steward training and certification program.

(5) Performing such other duties as may be prescribed by the Bylaws, this Policy File or as directed by the Local 1000 Board of Directors or Executive Committee.

(6) Reporting to the Local 1000 Board of Directors any needed change in alignment of DLCs.

(7) Serving as an ex-officio member of the Chief Steward Committee.

Therefore I sincerely hope that justice based on only the facts will prevail and overcome these 10 extremely meritless HR1 allegations. I sincerely hope that these meritless allegations will be quickly dismissed for not having ANY merit! Elections have consequences and we must not overturn the voice of the voters based on racial prejudice, political differences and an undying hunger for power and prestige. **So even though this NOT a straightforward case of accountability! This doesn't have to remain a sad but true story about America's Lack of Accountability regarding Racism and Politics in the Land of the Free and Home of the Brave-please do the righteous thing and end this fabrication of evilness. Let truth and justice prevail because history is always watching and recording our decisions and actions.**

Thank you,
Richard Louis Brown
Local 1000 President
Inspire the Impossible 7437
408-207-2339

SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE LOCAL

1000 POLICY FILE DIVISION 9: DISCIPLINE

IN THE MATTER OF THE	)	<i>Amended Internal Dispute</i>
PROCEEDING	)	22-02-HR1
BETWEEN	)	Internal Dispute
	)	22-03-HR1
MICHAEL GUSSS, DISTRICT LABOR)	
COUNCIL 794, ANICA WALLS, VICE	)	NHO FILE NO.: 220316-BROW
PRESIDENT FOR ORGANIZING AND)	
REPRESENTATION, SERVICE	)	HOMER C. LA RUE
EMPLOYEES INTERNATIONAL UNION	)	Neutral Hearing Officer
("SEIU"), LOCAL 1000, SEIU,)	
Charging Parties,	)	CHARGED PARTY, PRESIDENT
-AND-	)	(SUSPENDED) RICHARD LOUIS
	)	BROWN'S CLOSING
RICHARD LOUIS BROWN, PRESIDENT)	
(SUSPENDED), SERVICE EMPLOYEES)	
INTERNATIONAL UNION ("SEIU"),)	
LOCAL 1000, SEIU,)	
Charged Party.)	
RE: Disciplinary Charges)	

I R I - onded p s 1-21, ull p s 22- 2

The HR1 allegations made against me, the duly elected President, Richard Louis Brown, by the Local 1000 Vice President for Organizing/Representation, Anica Walls, are simply MERITLESS (harassment), untrue, biased conjecture, and void of any factual support:

Allegation #1: "Richard Louis Brown has willfully failed to hold meetings of the Board of directors as required by Bylaws and Policy File (3.2.00). This failure has resulted in the union operating without the legally required democratic engagement of a Board of Directors since August 2021." & Allegation #2: The Board is to conduct 3 meetings per year (3.2.00), and per its Bylaws act in accord with Roberts Rules of Order. On repeated

times, Brown has deliberately failed to follow the bylaws, policy, or Robert Rules”

I provided witnesses who testified to the fact that business was conducted during the Budget meeting and action was taken when the Board voted on the budget that was a duplicate of the budget passed in 2020. Ms. Walls testified to this fact and to the fact that a budget doesn't have to be passed for the organization to continue conducting business. This is in striking contrast to her accusation, "...there has been no approved budget for 2022 [because the Board failed to pass the budget not because I didn't have a budget meeting] The democratic accountability and oversight to protect the members' monies has been dismantled..."

I held four (4) Board meetings since taking office on June 30, 2021. In addition, the Policy File states the Board of Directors shall meet three times per year to discuss routine business." I assert that I followed Roberts Rules of Order. However, even if I made an error in speech during a meeting, why does that error require a suspension of my duties of office? Others have made similar type error and have not been suspended from office. So, why does Ms. Walls feel that is necessary to file this HR1 against me for something that is considered an infraction when (Caucasian) Bill Hall commits the action, however, it is considered a grave offense when (Black) Richard Louis Brown commits the action? Half of the individuals on our Board, to include Anica Walls, routinely use the wrong Robert's Rule of Order terms during meetings, however, Ms. Walls only sees my actions as detrimental to the Union and a reason to immediately suspend my Presidency...why?

By Ms. Walls' own testimony, I held Board meetings, and was in the process of scheduling more meetings prior to these false allegations being asserted against me. The problem wasn't that I refused to follow the bylaws, or any other governing document – I followed them. Ms.

Walls and others testified that I held meetings and quite a few. The issue is that Ms. Walls and her group were demanding that I run the Union the way they deemed appropriate – in an illegal fashion. As Jack Dean (former DLC 792 President, Budget Committee and Board member) and others have testified to, if I agreed with Anica and her group and did things according to their wishes, then everything was fine. However, when I stood my ground, and insisted that things be run according to the rules, that is when they would start rallying the troops against me. That is when they proclaimed, even louder than before, “He is a detriment to the Union, and we have to remove him”. The illegal October 7, 2021, meeting is deemed illegal by California Corporations Code and by our Local 1000 Bylaws and Policy File, not by me. I had to follow our Policy File which states: “Division 1.1.00 Commitment to Organizational Equity, Inclusion and Diversity...(d) Local 1000 shall ensure that Local 1000 itself is in compliance with the letter and intent of appropriate federal and state laws.” I also stood by the requirements of California Corporate Law and repeatedly requested that the individuals who were requesting a meeting to change key portions of our Policy File, first take the motion to the at-Large Members for a vote on the items which they wished to change. However, they refused and hurled accusations at me, stating that I was trying to hold on to power. They still have not met the requirements of California Corporations Code Sections 5151 and 7813, instead they bypassed the vote of the at-Large Members and had the Board vote on it instead. That move was illegal because the at-Large Members have a legal right to vote on any changes that substantially changes their voting rights. I tried my best to fight for rights of the at-Large Members and was villainized and criminalized for speaking up for the integrity of ALL represented members. I refused to play the political games that have plagued our Union in the past. I simply wanted to do what was right. So, I ask you, who was (and still is) truly trying to hold on to power?

Allegations #1 & #2 were proven False by Anica’s own testimony on 8/8/2022 when she

stated, **“he did hold some meetings.”** Then she testified stating, **“I stated that you called some meetings...but you still unwilfully did not allow for some Board meetings to take place as requested by [some] Board of directors.”** **“Board meetings can be called in a couple of different ways. They should always be called by the President.... You did not call those meetings when requested, therefore, my #1 is speaking to the meeting that you did not call, that you should have called.”** Ms. Walls testified under oath that she would present factual evidence to support this updated, clarification of allegation #1, however, she never provided this evidence. Why not? Because this misleading allegation is also false. As Ms. Walls testified to, I called several meetings, including Executive Committee meetings. It was during those meetings we discussed multiple union items, to include the need to follow the BPolicy File and California Law (in keeping with my 10 Point Platform transparency tenant). We discussed the need for this group of Board members (who were NOT used being held accountable) to follow the proper procedures of the Policy File and adhere to the requirements outlined in *California Corporations Code 5151(g)(2)* “During an emergency, the Board may take any action that it determines to be necessary or appropriate to respond to the emergency, or comply with lawful federal and state government orders, but shall not take any action that requires the vote of the members, unless the required vote of the members was obtained prior to the emergency”. In addition in *California Corporations Code 7813* states “An amendment must also be approved by the members (Section 5034) of a class, whether or not such class is entitled to vote thereon by the provisions of the articles or bylaws, if the amendment would: (a) Materially and adversely affect the rights, privileges, restrictions or conditions of that class as to voting, dissolution, redemption or transfer in a manner different than such action affects another class; (b) Materially and adversely affect the rights, privileges, restrictions or conditions of that class as to voting, dissolution, redemption or transfer by changing the rights, privileges, preferences, restrictions or conditions of another class;.... “. Mrs. Walls knows that I informed the entire Board (of which she is a part of) they

had to follow all the requirements outlined by the Bylaws, Policy File and pertinent California Corporation Codes. The October 7, 2021, letter that was sent to the entire Board was an attempt to get them to comply with the law and Bylaws and Policy File - not (as she describes it) an attempt to entrench my power.

As to the rest of the non-factual opinions she wrote in accusation #1, several witnesses have refuted them. Couple that with the fact that she never provided any factual physical evidence or witnesses to back up any of her opinions, I request that accusation #1 and #2 be immediately thrown out as frivolous.

Allegation #3: Brown has deprived the Executive Committee of its authority to carry out its duties and roles as outlined in the bylaws and policy file. He has hidden information from the Executive Committee that has a significant impact on the union. One lawsuit that has money damages was deliberately kept from the Executive Committee after it was filed. (Zimmerman v. Local 1000). When the Executive Committee asked for information, they were deprived due to direct and deliberate instructions from Brown that staff was not to speak to the Vice Presidents – denying his fellow officers an opportunity to evaluate how to proceed or whether to settle significant lawsuits in which the Union is name as a defendant and even by hiding from the Executive Committee the existence of one of the lawsuits seeking monetary damages. This failure of transparency and interference with fiduciary review has jeopardized the Union’s ability to maintain proper engagement and oversight of those lawsuits and to make fiscally prudent decisions therein. Aggravating his misconduct is that he has misused his role and authority in a manner that benefits his self-interest at the expense of the interests of the Union and its members as well as the members’ dues. In another lawsuit (Hall v. Brown) Brown hid his actions from the Executive Committee, engaging an attorney for the Local using the Local’s resources to entrench his own self-

interest, without review or approval by other Officers, violating union policies and legal requirements.”

Duties of the statewide officers:

In addition to those duties set forth in the Bylaws or elsewhere in this Policy File, the duties of the four statewide officers shall include:

(a) President:

- (1) Administering the daily affairs of Local 1000, carrying out the policies and procedures of Local 1000, executing the plans and programs of Local 1000 and between meetings of the Local 1000 Board of Directors making all necessary interpretations or clarifications of Local 1000 bylaws and policy.
- (2) Scheduling and presiding over all meetings of the Local 1000 Board of Directors and the Local 1000 Executive Committee.
- (3) With the exception of SBACs and their respective BUNCs, appointing all committee members, subject to disaffirmation by the Local 1000 Board of Directors and serving as an ex-officio member of all committees.
- (4) Representing Local 1000 on the CSEA Board of Directors.
- (5) Being Local 1000’s chief negotiator for any master contract negotiations, or may delegate that responsibility to the Vice President for Bargaining for any master contract negotiations.
- (6) Performing such other duties as may be prescribed by the Bylaws, this Policy File or as directed by the Local 1000 Board of Directors.
- (7) Coordinating Local 1000’s activities at CSEA General Council and chairing all meetings of Local 1000’s General Council delegates.
- (8) Reviewing agenda items submitted for Local 1000 Board of Directors meetings and referring or deferring agenda items.

- (9) Being Local 1000's main spokesperson in communicating with media representatives regarding collective bargaining issues, progress of negotiations or other items of Local 1000 policy or positions.
- (10) Providing methods of communication amongst the Local 1000 Board of Directors, DLCs, SBACs, BUNCs, and Local 1000 members and non-members, on all matters, including those within CSEA, affecting Local 1000.
- (11) Receiving all management notices of changes in terms and conditions of employment.
- (12) Between contract negotiations, appointing all members to meet and confer negotiations with the State of California or other recognized employer which are unit specific.

Therefore, I have the legal and vast (12) powers to run the day-to-day operations as the Local 1000 President while the 3 VPs have very specific roles such as VP Walls (7) is clearly stated in the following Policy File 3.0.03

Duties of the statewide officers

(c) Vice President for Organizing/Representation:

- (1) Acting as a spokesperson for the DLCs.
- (2) Filling DLC vacancies, except for delegates to the General Council, whenever procedures to fill vacancies do not exist or have been exhausted and vacancies still exist.
- (3) Assisting the President in administering the affairs of Local 1000.
- (4) Administering a job steward training and certification program.
- (5) Performing such other duties as may be prescribed by the Bylaws, this Policy File or as directed by the Local 1000 Board of Directors or Executive Committee.
- (6) Reporting to the Local 1000 Board of Directors any needed change in alignment of DLCs.
- (7) Serving as an ex-officio member of the Chief Steward Committee.

By Ms. Walls' own testimony on 8/8/2022 when she testified that I allowed her to do her job, **this allegation has been shown to be false.** Ms. Walls has not presented any factual evidence to prove or support her opinion of this allegation. She simply stated, "In my opinion, ..." As she and I have testified, she was aware of all the lawsuits but had not received the information for one of the newest lawsuits against the Union. This does not equate to "hiding" information. In her testimony she stated that she never had Executive meetings before I took office. I instituted the meetings as promised in one of the tenets of my 10-Point Platform – Transparency. However, there are times that I had to follow legal advice and allow the hired legal team (which she and the other two VPs fired) take the lead. That meant Ms. Walls and others had to wait a bit longer to be briefed on all the information. The lawsuit she spoke of wasn't against me, as an individual, but the Union - as an entity. There was nothing that I could get by keeping the information from the Executive Committee.

I provided witnesses who testified to the fact that I always advocated for ALL members be included in the decision-making process and routinely pushed for a vote by the members to be conducted. Those individuals who opposed me argued that the Members-at-Large did not need to be included in the information sharing and decision-making process. They regularly stated that only the Board of Directors should hold decision-making powers. Mrs. Walls was always kept informed of critical need-to-know information – to include the existence of the Zimmerman lawsuit, even if it took roughly about 12 days for her to be briefed on it after I was made aware of it. There weren't any decisions for her to make in those 12 days. The lawyers were taking care of most of the decisions that needed to be made at that time. The lawsuit was nowhere close to being settled-out at the time, so, her allegation that I was denying my fellow officers an opportunity to evaluate how to proceed or whether to settle" the lawsuit is ridiculous and a flat out lie. Just as I had other Executive Committee meetings with her and the other officers (as she

testified to) I planned on having one with them about the Zimmerman lawsuit also – it was only roughly 12 days between the time I found out about the lawsuits, and she found out. – and for that she felt the need to suspend my Presidency and start procedures to have me removed from the Union? There wasn't any harm caused otherwise she would have presented it as evidence during the hearing – she didn't! However, (Caucasian) Bill Hall as committed similar if not identical offenses as me, (Black) Richard Louis Brown, and she never called him out, let alone file charges against him. Ms. Walls even testified that she didn't agree with the reasons for her co-conspirator, (Caucasian) Bill Hall, to call the Emergency Board Meeting in October. Yet, she not only refused to protest his actions – she failed to bring charges against him for committing a True crime. This is the same person who felt the need to Immediately halt me, (Black) Richard Louis Brown, and my presidency because I waited about 12 days to share with her that someone (that I don't even know or had ever worked with) decided to sue the Union...why? You be the judge.

Allegation #4: “Brown grossly misused the authority of his office when he summarily and without just cause retaliated against the Vice Presidents by attempting to suspend their memberships. He did so solely for the purpose of entrenching his own power and insulating himself from an express provision in the Union’s governing documents designed to create a check and balance against a President whose actions pose an immediate threat to the welfare of the Union...(a) - in a video Brown verbally attacked Richard Wake for requesting a reasonable accommodation relating to his attendance at a Board meeting (b). - on the union's website, Brown verbally attacked Board members for questioning his conduct and called for their recall misusing the union's resources for his self-interest and to further entrench his position. He took control of the website to benefit himself and punish other Board members posting malicious stories as if they were the official position of the

union. instead, it was for his own self-interest, to entrench and insulate his hold on power without any check or balance.”

During the hearing I presented the physical evidence that Richard Wake attacked me via text message and other means. Ms. Walls did not provide any credible evidence that I attacked Richard Wake. When I showed the full length of the video she presented, I was able to show how she had taken the above-described incident totally out of context and there wasn't an attack against Richard Wake, as she described it, but a response to his continual harassment of me via the text messages presented in this closing below. Ms. Walls failed to show any video where I called for a Board member to be recalled – because it didn't happen. That is yet another fabrication of hers. As for the suspensions, I will restate what I have previously stated in my HR1 reconsideration for Order No 11. I am highlighting the fact that I fulfilled my legal obligations of prior notice per California Corporations Code § 7341 to the Local 1000 Board of Directors on or about October 7, 2021. I accomplished this when I sent, by registered mail, Notices of Action to each Board members' address of record. These notices informed each Board member they were subject to disciplinary action (to include suspension) if they acted in support of the illegal Board meetings held October 16-17, 2021, which was improperly initiated by Board Member and DLC 744 President William (Billy) Hall.

Also, the Local 1000 Policy File Div. 9.0.03 provides: “When, in the opinion of the President, the actions of the member are such as to impose an immediate threat to the welfare of Local 1000, the President may summarily suspend the member until the procedures established in the Policy File are concluded. If written charges are not filed within ten days, the suspension shall be terminated.” Policy File 9.0.03. is entitled “Suspension of MEMBER,” not “...MEMBERSHIP” referencing the “actions” of the members, not the privileges of membership, which causes the

initiation of a summary suspension. So, only official duties can be suspended. In addition, Policy File No. 9.0.01(k) provides that disciplinary action may be taken for, “behavior which is determined by the hearing panel or officer to be of such a nature that it causes discredit to Local 1000.” I must strongly state again I did not suspend the 3 VPs memberships; I only suspended their official duties. Under Policy File 9.0.03, the Section clearly states “member” (not membership) regarding a President’s power to suspend. In fact, the VPs retaliatory suspension of me did not suspend my union membership as dues are still being collected; adversely, my suspension of the 3 VPs never ceased the collection of their membership dues. I did not instruct their membership fees to be suspended only their duties to be temporarily halted during the duration of the investigatory portion of the HR1 process. However, they retaliated and illegally halted my ability to perform my duties. Pointedly, I instructed the Local 1000 Chief Counsel, Anne Giese, on February 26, 2022, by text to remind the VPs that only their official duties were suspended and not their membership, to which she replied on Feb 27th at 7:14pm, “Thank you, I’ll make sure it’s done first thing”. In fact, my suspension letters for the 3 VPs are titled “Suspension of Officer Duties”.

As outlined in the paragraphs regarding allegations #1 and #2, this allegation has also not been proven or supported with any factual evidence. The evidence shows that I used care and diligence in demanding that ALL members of the Board of Directors follow California Corporations Code. I had multiple discussions with Board members and sent the October 7, 2021, letter to ALL Board members to get them to comply with the Policy File and California Corporations Code. This was all done to protect the integrity of the Union and the voting rights of the at-Large Membership. As I had discussed with Board members prior to issuing the October 7, 2021, letter, the actions to materially change my position so that it no longer held any power, was something that they could not change without setting that matter for a vote of the

Members-at-Large. **The Members-at-Large get to vote on who is President and the duties of the President was set when we had the election.** This system of checks and balances helps to ensure the needed integrity of our governing bodies. **If you take away the ability of the at-Large Members to choose the President and give that power to the Board then you have created a system where the at-Large Membership do not have a true voice in how their union is run.** The Members-at-Large are supposed to choose who sits on the Board and who occupies the seat of the President, which ensures that the individuals in those positions work for the rights of the members and not their own self interests. By giving the Chairperson position all the powers of the President, and having the Board be the only ones that can vote for who becomes the next Chairperson, the Board members violated their oath to follow the laws of the State of California by violating California Corporations Code 5233 which protects the at-Large Members from self-dealing acts by Board directors. If you take away all the significant duties of the President and give it to someone else, then you are basically choosing someone else to be the President and calling that individual the Chairperson does not change that fact. I equate it to a child whose mother divorced her father, married a new gentleman, and changed her name from Jones to Smith. The name change didn't change the relationship between the mother and the daughter; neither did it change the responsibilities the mother has to the daughter or the legal rights of the daughter in relation to the mother. Just as the mother-daughter relationship didn't change, all the powers and responsibilities of the President don't change simply by calling the position the Chairperson position. That position must still be chosen by the at-Large Members and the Board of directors still have a responsibility and fiduciary duty to uphold the rights afforded to the at-Large Membership. The individuals who were demanding that I call this meeting without the vote of membership first, did not care. They wanted to secure their own agenda and made sure that their power was solidified when they gave the right to vote for the Chairperson position to the Board of Directors and took it away from the Members-at-Large.

My suspension of the three VPs' official duties was to stop the illegal actions that they were planning which I knew would bring grave harm to our Union – and I was right! The at-Large Membership revolted against the actions taken by Anica Walls and her co-conspirators. The financial harm created by their actions have caused great harm to our ability to demand the best contract possible. In the email traffic between the VPs, William (Bill) Hall, and other members of the Board, they stated that they would not join with Anica in removing me from my position unless Anica and the other VPs agreed to conspire with them to enact this plan – Anica's agreement is evident in that she attended the March 5, 2022, Board meeting which was held in order to put into place this illegal scheme to permanently bypass the rights of the at-Large Membership and secure control of the Union for a few individuals on the Board of directors. I do not believe that a Union which represents +/- 100,000 (one hundred thousand) people should only allow 65 individuals to have a true voice. The harm materialized, as Ms. Walls testified, when their actions were revealed publicly, and membership numbers plummeted as a result. The true retaliation came from the three VPs when they conspired with the group of dissenters and worked to negate my attempt to protect the Union by first initiating a lockout on or about February 27th, 2022 – approximately two days after they received the notice that their official duties were being suspended - pending an investigation into the allegations through the Union's internal HR1 process. Instead of allowing the process to commence (as I have done – even though I believe that it is wrong) and having their opportunity to clarify any possible misunderstanding about their actions, they circumvented the established process and created a new process in the hopes that their actions would not be called into question. As Anica has testified, "I don't have to ask permission." Instead of following the established rules she (and her co-conspirators) deceived the courts by stating that I was out of control and retaliating against them and used it as a reason to justify a TRO being on my Presidential duties.

Allegation #5 & #6: “As of March 5, 2022, in the ultimate act of both gross defiance of democratic procedures and self-interest, Brown defied the duly enacted suspension and existing operating procedures by willfully seizing control of the headquarters building, occupying the building, locking out staff and other members, denying access to union records - fiscal, legal, financial and personnel, all while willfully removing records and US postal crates without regard to fiscal and democratic controls. He took control of the headquarters office to benefit himself, to willfully drill outdoor locks to access offices that were private, secure, and belonged to other staff, and he disobeyed other Board members who attempted to regain democratic controls by defying the suspensions and posting messages that he retained the duties of his office as if it was the official position of the union. instead, it was for his own self-interest, to entrench and insulate his hold on power without any check or balance. Brown's willful and intentional misconduct disrupted the orderly process of a Board of Directors meeting which had to divert substantial attention and resources to restore democratic governance and operational prudence and productivity.”

Local 1000 members entered the building, and I was not present at the time that the initial entrance to the building occurred. I did not willfully or intentionally seize control of the Local 1000 HQs on March 5, 2022. My video with the SacBee Newspaper and with Fox 40 on this day clearly illustrates that this was not planned. In fact, the police came and stated it was only a civil situation. No one was arrested. Chief Counsel, Anne Giese, stated in writing that there was no occupation of Local 1000 HQs in front of me, Jack Dean and Ron Rosson. The illegal BOD zoom meeting was not held at Local 1000 HQs. The 3 VPs retaliatory suspension of me was and is still in dispute. A Local 1000 email was sent to staff by the coup individuals directing staff to NOT come to the building.

Allegation #5 has been proven to be a false by Ms. Walls' own Exhibit. During the October 28, 2022, proceedings, Phil Andonian showed the evidence which they are using to make this statement – the court TRO which wasn't even filed until March 8, 2022, and was not signed until, the 10th or 11th. How could I defy a court order that wasn't even in existence on that date? None of the actions that Mrs. Walls purports to have been illegally committed were even against the law and there was no suspension of my duties as I had suspended the 3 VPs duties and they were acting in retaliation against me. I had (in good faith and honorable intentions) suspended the VPs' official duties on February 25, 2022. After their receipt of the suspension documents, they retaliated against me, planned a coup, and publicly announced that they suspended me on February 27, 2022.

I will restate what I have previously stated in my HR1 reconsideration for Order No 11. I am highlighting the fact that I fulfilled my legal obligations of prior notice per California Corporations Code § 7341 to the Local 1000 Board of Directors on or about October 7, 2021. I accomplished this when I sent, by registered mail, Notices of Action to each Board members' address of record. These notices informed each Board member they were subject to disciplinary action (to include suspension) if they acted in support of the illegal Board meetings held October 16-17, 2021, which was improperly initiated by Board Member and DLC 744 President William (Billy) Hall.

Allegation #7: “Brown defied the Board’s action when in adopted and ratified a staff contract that reduce days off in August 2021. Despite this budget savings action, he intentionally defied the Board while he approved at least 12 additional staff holidays outside the collective bargaining process resulting in as much as \$700,000 being spent from union funds. In defiance of a specific Board vote design to conserve hard-working

members' dues and to increase the services they received from the Union's staff for each dollar they pay in dues he engaged in this act of growth financial malfeasance. Additional days off reduces the effectiveness and productivity of staff which would otherwise happen for the benefit of its members. In addition to the pay of staff on the day off, and the reduction in staff operations, it also increases the cost of cash outs of extra days which staff are allowed to request and entitled to receive at the close of the year to reduce time to the allotted vacation day cap. In his act of gross fiscal malfeasance, he deliberately ignored these costs and sought to embellish his role of self-appointed all-powerful leader best of the full and sole authority without concern for internal controls are fiscal prudence."

As the Local 1000 President, I was charged with running the day-to-day operations as enumerated in the Policy File. I attempted to create a new culture of excellence by first building solidarity with staff. Since they had never been recognized nor respected for over 13 years, I awarded them with time off in 2021. However, it was without sufficient notice, so, on January 20, 2022, I had an email sent to staff giving staff NOT 12 additional "solidarity" days but 7 additional "solidarity" days - 2 of these days are 1/2 days-off, and fall either before or after a holiday. I did this so that the staff could better plan their time-off which they traditional would spend with their families. Historically, other organizations would give this time-off to their staff at the last minute. However, I wanted to afford them the ability to plan things, such as flights and driving agendas more effectively. I was creating a new culture for Local 1000 and doing so with methods that would not have any financial impact on the budget because salaries are pre-budgeted for 3 years. My executed plan did not create any extra cash expenditures to our budget. **What it did create was positive word-of-mouth advertising - even though Local 1000 doesn't pay rewarding salaries like other public sector unions, we can offer other rewarding benefits.** Due to this change from the old way of doing business, I was able to help

reverse some of the historically negative trend of staff quitting to obtain better salaries and treatment at other unions.

Please see this Staff Holiday below.

From: President's Assistant <Passistant@SEIU1000.org> **Sent:** Thursday, January 20, 2022 3:06 PM **To:** President's Assistant <Passistant@SEIU1000.org> **Cc:** Brown, Richard <RLBrown@SEIU1000.org> **Subject:** Staff Holidays

Good afternoon Local 1000 Staff:

President Brown would like to thank you for all the work and dedication to the represented employees of the State of California. You're an important component of what makes us the best union in California. The following days have been approved as staff holidays for 2022 –

April 1st

November 10th

November 23rd

December 23rd

December 30th

The dates below have been approved for a ½ day off –

July 1st

September 2nd

Please refer any questions to your direct manager/supervisor.

Best Regards,

Michelle Gardner

President's Assistant

Office of the President, Richard L. Brown

SEIU Local 1000

(D) 916-554-1297

(C) 916-402-1841

passistant@seiu1000.org

Allegation #8: In still other matters pertaining to the ability of the Union to operate for the benefit of the members, Brown grossly abused his position and authority he demanded the Chief of Staff to discipline staff if they gave information to Vice Presidents even if it was necessary or affecting the duties of their office. He also directed the Chief of Staff to ignore the Vice Presidents-deeming himself as the self-appointed all-powerful leader vested with full and sole authority without concern for the democratically elected positions they hold and their fiduciary role to the members and the union. Brown stated "All communications with Anica are over! I am the President" Also "See the hypocrisy of her (Anica) bs! I am going to war with my enemies!" This gross abuse continued when he threatened discipline up to termination of an employee who communicate with anyone other than "...local 1000 President about all operations activities of local 1000" "Any insubordination with the Local 1000 President by management staff will not be tolerated and subject to immediate termination while UAW staff will follow the progressive and disciplinary process" "All staff communication and questions to come to and only answered by me"

I discovered and took the same measures to protect the Union that the prior Local 1000 President had upon the discovery information that Ms. Walls and others may have been violating their confidentiality agreements. Former President Yvonne Walker took decisive action over a year later because after winning statewide office in 2018 Anica Walls and the other two new Statewide officers who ran on her slate, known as Members for Transparency & Change (MTC),

were interfering with the day to day operations by attempting to solicit staff to join them in trying to suspend former Local 1000 President, Yvonne Walker, and refusing to share their plans for their roles with former-President Walker in their efforts to grossly revamp the daily operations of the Union.

Allegation #9: Brown grossly abused his position in the treatment of staff using directives to the Chief of Staff to issue discipline to staff for flawed and unfounded reasons. He demanded discipline of the staff even after the Chief of Staff indicated that he had given conflicting instructions to staff. In live video events he frightened memories with his treatment of the staff. On February 23, 2022, zoom call at roughly 8:10 pm where Brown went off-camera and very aggressively verbally berated the staff. From the video members could hear Brown yelling, they could hear furniture being moved, I can hear people in the room gasping at the abuse of actions the abusive actions.

I was creating a new culture by ensuring membership's needs were met and holding staff accountable for intentional mistakes and negligence. This was not something the staff was used to encountering so there was a slight learning curve in the beginning. I did not berate staff on my February 23, 2022, video and I did not move any furniture, so people were not gasping for air. The discussion on February 23, 2022, on video with the Communications Director, Brian Nash, was a normal conversation between the two of us. In fact, Mr. Nash sent me an unsolicited "apology" email the following morning regarding his unprofessional behavior from the previous evening-see Mr. Nash's "apology" email below:

From: Brown, Richard

To: Nash, Brian

Cc: Richard Brown

Subject: RE: Local 1000 Listens to You

Date: Thursday, February 24, 2022 11:12:00 AM

Brian,

Thank you for this email! Richard 7437

From: Nash, Brian <BNash@SEIU1000.org>

Sent: Thursday, February 24, 2022 8:55 AM

To: Brown, Richard <RLBrown@SEIU1000.org> Richard Brown

<richard.brown7437@yahoo.com> Subject: Local 1000 Listens to You

Boss –

I posted your Local 1000 Listens to You PPT last night when I got home. I am working on the CalHR letter now.

Couple points I want to clarify:

1. I was in the wrong last night and I owe you an apology. I should have said it to your face, but I was still up in my feelings.
2. My colleague Jim O'Donnell did not participate in the UAW protests. He has shown up and worked every day this week.

Brian Nash

Director of Communications SEIU Local 1000

1808 14th Street Sacramento, CA 95811

cell: 312.968.1068

Allegation #10: He grossly abused his position authority when he violated member rights in the internal process internal discipline processor Division 9. At least a dozen HR-1 charges were filed by members using the approved and duly authorized internal procedures. His

**failure to act appropriately is a gross deprivation in denial of those members rights.
Charges filed by Lugo-Steinman, Jones (3) Hibbert, Jennings, Roque, Chilpighian,
McFadden, Williams, Wheeler/Owens, Stevenson**

Local 1000 had several HR1s that were received for processing. The majority of the HR1s mentioned in Allegation #10 were reviewed by the VPs not me. As testified to by witness Youlanda Williams on 10/28/2022, her HR1 was against Anica Walls and the VPs and was filed after the events of February 27, 2022. I did not have any part of that HR1 review process. The same is true for the HR1 that was filed by Mr. Roque, who felt so much indignation that his HR1s against the VPs never were processed that he volunteered to assist me during my HR1. This is ridiculous. In his words, I can't believe that this ridiculous HR1 against me President was railroaded through the system but none of the ones against the VPs and Bill Hall have ever been acknowledged or processed."

Therefore, I sincerely hope that justice based on only the facts will prevail and overcome these 10 extremely meritless HR1 allegations. I sincerely hope that these meritless allegations will be quickly dismissed for NOT having ANY merit! Elections have consequences and we must not overturn the voice of the voters based on racial prejudice, political differences and an undying hunger for power and prestige. **So even though this NOT a straightforward case of accountability! This doesn't have to remain a sad but true story about our Union's Lack of Accountability regarding Racism and Politics - please do the righteous thing and end this fabrication in evilness. Let truth and justice prevail, as history is always watching and recording our decisions and actions.**

Thank you,
Richard Louis Brown
Richard Louis Brown
Inspire the Impossible 7437
408-207-2339

HR1 Anica Walls-Closing Statement

I, Richard Louis Brown, on September 7, 2022, affirm to God, through Jesus Christ, that my intentions and good faith behavior, as the Local 1000 President, have been honorable and true. Local 1000 Vice President, Anica Walls' unsupported, disastrous, and meritless HR1 allegations should be immediately dismissed for being completely and comprehensively baseless. The juxtaposition between Anica's pathological lies and the legal powers given to me, as the duly elected Local 1000 President, is clear! **There is strong evidence based on sworn testimony, concrete written documentation, and live video that Anica was working behind the scenes to use the HR1 process as the mechanism to remove me from office – even before my presidential term began (ref. 10/28/2022 witness testimonies).** Local 1000 having this HR1 hearing against me is a sign that democracy is in peril. This peril is reflected in Anica's algorithm of amazing animus, arrogance, and her self-serving beliefs, which were on full display during these proceedings. The HR1 transcripts for the hearings can't, in any way, capture the sanctimonious and sarcastic attitude of her verbal responses. Anica's testimony was peppered full of "I believe, or I don't know, or I can provide evidence". Yet Anica never provided anything but her opinions and fantasy-filled reflections regarding the allegations.

This is NOT a straightforward case of accountability, as Anica and her attorney, Phil Andonian, would like everyone to believe. The unfortunate truth is that this case is about the Lack of Accountability that has plagued our union for far too long and those individuals who benefit the most from keeping the general membership ignorant of their rights. It is about individuals, such as Anica Walls, who state that they want to usher in change, but whose actions don't align with their public statements. It's about the conscience and unconscioned biases that propel the racist actions and thinly veiled Political agendas peppered within our union. It mostly about a people, such as myself, who have had enough of the status-quo politicians within our union, who label themselves leaders for the people, while stomping on the rights of the people. SEIU International's cloud of radical

theology and dubious extremist reasoning can't be underestimated in their efforts to inspire and help Local 1000 remove me from office. The facts regarding this meritless case are quite simple. This factual cascade starts with Local 1000 refusing to **fully** indemnify me (while I have acted in good faith as the Local 1000 President) against the filing of this meritless allegation and against a baseless lawsuit. However, in addition to paying Anica's high profile attorney's legal fees Local 1000 has also paid DLC 744 President William (Billy) Hall's attorney, Chris Katzenbach, in Hall's lawsuit against me, Local 1000, and SEIU International. Why? Due to the conscious and unconscious racial bias against this black man which threatens the political status quo for Local 1000. From the refusal to indemnify me (a black man) to their willingness to indemnify Bill Hall (a white man) – even though doing so goes against our Policy File and California Corporations Code.

SEIU International has political interest to support my removal since I have publicly spoken out against our continued forced donations to their Social Justice Platform which doesn't benefit our working conditions. This is based on their monthly \$688K affiliation fee which they charge Local 1000. SEIU International is supporting these meritless claims against me because my 10 Point Platform eliminates ALL political spending by Local 1000. This ending of political spending would stop the financial support for the agenda of one Political Party and allow ALL members to choose their own leaders and not just those instituted by SEIU. This SEIU International Interference in a local's governance is not only illegal but leads to the understanding that the Members-at-Large do not have a true voice in the running of their Union. SEIU International has supported Anica and her coconspirators even though Anica has not provided **any concrete evidence** or even **ONE single witness** to substantiate her baseless claims. Finally, this fraudulent filing against me is a true attack against our Union's democratic values and voting process. It reflects not only Anica's, and those like her, and willingness to bypass any legally established law to achieve their goal. Unfortunately, America has a rich history full of

undisputable facts of racial injustice against African Americans - particularly against outspoken and passionate black men, which sometimes results in the loss of these black men's lives. These unwarranted racially and politically motivated attacks against me are really an attack on the rights of at-Large Members to vote in this Union. It reminds me of the great struggle for voting rights for African Americans and other historically marginalized people in America. Their attempting to remove me from office is an evil attack on the fundamental tenet of democracy because the at-Large Members made their choice, but Ms. Walls, and those that think like her, abolished the voices of the people. The racially biased caricature of me as the "angry and uncontrollable" black man that is a threat to society and detriment to any organization is in keeping with the unjustified but routinely used false narrative used to justify the business world's systematic castration of other black leaders in the past. Is it *classic* racism or simply unconscious racist bias? That is for everyone to ponder individually.

VP of Organizing and Representation, Anica Walls, is refusing to acknowledge and accept these facts but is deceptively using the ancient art of lying to create the atmosphere of coordinated chaos and confusion to deceive others into believing that I am a detriment to Local 1000. To speak on it, with straight talk, Local 1000 has never had to acknowledge that the largest public sector union in California had a racial and political problem because it comfortably hid under the fact for 13 years, this Union, was led by an African American woman who did what she was told and never challenged the status quo as outlined in her Political Bosses. My election victory revealed the truth! Therefore, (in their minds) the racially and politically motivated attacks which immediately commenced on May 24, 2021, were justified. I have refused to let these attacks stop me from fulfilling the duties the at-Large Members elected me to do. I have fully defended myself, like other black men have done in the past, and for some individuals in this Union, that is a threat to their perceived racial and intellectual supremacy. However, using

their adopted rational, if I was a white man, such as Bill Hall, my actions would have been labeled “that of a patriot – a hero for the people.”

These unwarranted racial and political attacks on the legitimacy of my intentions, my legal powers, my dignity and on my self-worth is amplified by the selection of an independent arbitrator to cast the appearance of fairness. Even though, that very action violates the same Local 1000 Policy which I am accused of not adhering to. A valid reason wasn’t given for not abiding by the rules stipulated in the Policy File. The only reason that I can deduce is that the Policy File rules are an inconvenient hindrance to their agenda, therefore, they are allowed to change them to suite their purpose. See Policy File 9.2.00 Hearing Officers Panel

(a) This panel shall consist of at least 14 active members, at least two from each area office, with terms which begin upon appointment and end simultaneously with those of DLC and statewide officers following each regularly scheduled election. In making appointments, the President shall endeavor to have representation from the DLCs and the BUNCs. The panel shall be responsible for conducting investigations, hearings and making recommendations to the Local 1000 Board of Directors on matters referred to it pursuant to this policy.

NHO La Rue, is unfortunately not a member of any DLC or BUNC. He is not a California state employee represented by Local 1000, and therefore, shouldn’t be assigned as the hearing officer or be part of the hearing panel -- he is not a member of Local 1000! The selection of NHO La Rue sets an illegal precedent Local 1000 and for reinforcing the idea that rules can be changed midstream if the people with the most money say it’s okay. Where is the justice in that? How is it if only one side is required to follow the rules while the other gets to change them as they go along? Anica and her group could have chosen to accomplish their goals the ethically, legal, and honest way – but they didn’t. Instead, they connived, lied, and illegally changed the rules so that they could obtain and retain power.

Mrs. Walls then played on the well-established unconscious racial biases established in our nation; that of the scary, unethical, black man who is a detriment to society. I implore the individuals who take the time to read these briefs to weigh the evidence and the lack thereof! Please do not play into the historically negative stereotypes that Ms. Walls is utilizing to conjure fear and doubt against me into your minds. True actions speak the truth of character:

1. I stated that I would not accept a salary stipend (extra money to do the job I volunteered to do) and I haven't.
2. Ms. Walls stated she would not take a salary stipend but later made excuses for why she had to reverse her position
3. I said I would fight for ALL Represented Union members to have an actual voice in the Union's decision-making process, and I have.
4. Ms. Walls teamed up with those who do not believe that the at-Large Members should vote on who their President/Leader should be. She assisted them in negating the vote taken by the at-Large Members and assisted them in instituting a Board- elected leader instead.
5. I ensured that the members voted on all high-impact items prior to sitting down to negotiate with the State so that I stayed true to my promise to make this Union a truly Member-ran Union.
6. Ms. Walls sided with the group who historically opposed giving power to the at-Large Members.
7. I consistently back my words up with facts and or witnesses and encourage the at-Large Members to do their research.
8. Ms. Walls consistently gives her opinions and feelings without any factual support of her opinion.
9. I try to my best to give clear meanings to my intentions.

10. Ms. Walls has consistently had others testify against her stated intentions both within and outside of these proceeding.

10 POINT PLAN & REDUCE DUES BY 50%

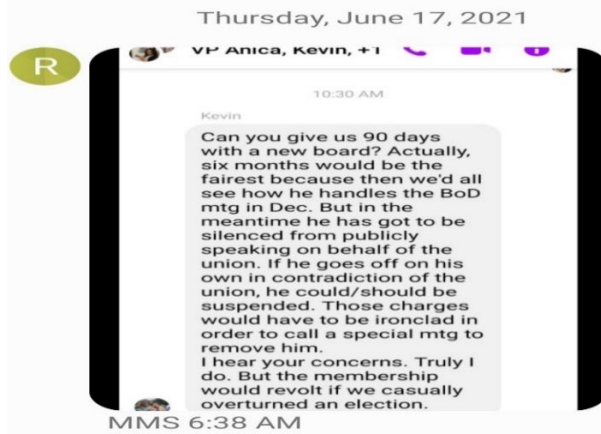
- Create new financial spending (**NO POLITICS & NON-GERMANE ACTIVITIES**). This includes Local 1000 staff FINALLY getting guaranteed medical retirement benefits-end the hypocrisy!!
- Eliminate **SALARY STIPENDS & TIME REQUIREMENTS** for **ALL volunteer** elected positions!
- Create a two-term limit for **ALL volunteer** elected positions.
- Create a single Union membership class who **ALL** have the same voting rights and job stewardship regardless of paying status.
- Create transparent accountability by publishing **ALL** questions along with the answers on a new Union secured website available to ALL represented employees!
- Create guaranteed enforceable Union contracts by finally hiring a **TEAM** of college-educated experienced professional labor negotiators to aggressively fight for substantial compensation (21%) that includes GEO pay and COLA for **everyone**.
- Create trust and accountability through videotaping 1) the entire voting process (printing, mailing, opening and counting envelopes with their ballots) and 2) quarterly General Councils/BOD meetings.
- Eliminate the **3.5% OPEB-CERBT** deduction from our paychecks!
- **Create and use a strike fund to support lengthy contract negotiations.**
- Create a new, independent Local 1000 identity.

1. Within seven months of taking leadership these orchestrated and unwarranted attacks eventually morphed into this frivolous, and baseless matrix of HR1 allegations that one needs a degree in mental gymnastics to follow. I tried to “Win Without War” by working with Local 1000

leadership but to no avail. There is no written correspondence to show progressive steps of communication from VP Walls nor the other 2 VPs which factually states that I was violating the Policy File in these 10 areas. **This is further substantiated by the fact that Anica Walls does not have any witnesses who want to OPENLY testify in support of her desire to remove me from office!** This again is in stark contrast to my initial list of 100 witnesses that I would have called upon to clearly exonerated me from these baseless allegations. I narrowed down my 100 witnesses to 10 witnesses due to only being allowed that number of witnesses by NHO La Rue. I strongly believe that incredibly limited my ability to defend myself against these meritless allegations.

2. since my leadership began, on June 30, 2021, VP Walls has disrespected me by leading telephone conferences on 10 different occasions with Local 1000 leaders immediately after May 24, 2021, regarding the development of a HR1 removal strategy/plot to eliminate me from office so VP Walls could become the new Local 1000 President, without ever having the courage of her convictions to run for this position of President in an official election. Local 1000 Board member and DLC 772 President, Mary De La Cruz testified to this plot to remove me from office, through the HR1 process on my YouTube video titled “Courage of Convictions-April 20, 2022” at 1:10:25 through 1:25:30 at the following link <https://www.youtube.com/watch?v=grw-O3d8Mus>.
3. Coincidentally, VP Anica Walls stated in writing that she wasn't planning on removing me from office. Yet her 2021 running mate, Kevin Menager, contradicted her words on Facebook with his June 17, 2021 at 10:30 a.m. post, “Of course Anica was well aware of Kevin’s desire to remove me from office because he took part in these telephone conferences in which they discussed the development of a HR1 removal strategy to remove me from office. These conversations took place prior to my taking office. Anica’s true motivations were revealed and it shows that she never had any good faith intentions to ever work with me. Anica instead allowed

her 2021 running mate to attack me. Kevin's unprovoked attacks on me encouraged other racial hostilities against me such as Denis Quinn Allen's smiling "white teeth" clown caricature on Facebook. In addition to Ms. Allen stating to me "What a Dick" on my Wednesday night "Local 1000 Listens to You" call on August 11, 2021 (Please see the following video link at <https://youtu.be/AOdu1IpR78s> starting at 52:07 where Ms. Allen said this unprovoked derogatory statement in response to her perceived slight of being ignored). Yet Anica fully approved of these racist and political attacks by not publicly condemning them or admonishing the individuals committing the acts. Once people knew that there would be NO ACCOUNTABILITY for racist attacks against due the duly elected President by any of the VPs (to include Anica) more attacks continued from other individuals who supported the VPs. In attempting to create a better image for our Union and work towards unity, I asked Anica to assist me in stopping the attacks, the same way I was trying to deter the negative feedback I was receiving concerning her actions. However, she only stated that there was nothing she could do. The in action of Anica Walls, the other VPs, and other Local 1000 leaders to stop the onslaught of attacks helped to create a hostile workplace for me. In fact this racially charged and highly insensitive "Coon" caricatures are again shown on Facebook on January 16, 2022, by Jonah Paul regarding the 2022 Local 1000 Budget meeting. Please take note that SEIU International President Mary Kay Henry and Local 1000 DLC 786 President Theresa Taylor who also sits on the CALPERS Board are proudly and pristinely presented in this race-filled caricature while I am presented as the "angry, aggressive, and intimidating black man" or as a "silly" unintelligent clown. The same way Emmitt Till, the Martin Luther King, and other black men in leadership roles have been portrayed in this country as dangerous, controversial, or nonintellectual.



4. Certain media outlets have portrayed me as the “controversial” black man that is solely responsible for his problems - which supports the racial belief of an “angry” black man while never allowing a man of color to be passionate outside the entertainment arena of sports, music,

movies, and the field of religion in his efforts to fight for ALL people for substantial wages and for dignity in a union contract!

5. It should also be noted that I have and continue to stand by my 10 Point Platform and belief in the need for transparency. I have requested for this hearing to be opened in order for the at-Large Members to be able to have the opportunity to receive a first-hand account of these proceedings. However, NHO LaRue has refused to allow this hearing to be open to membership. This is a violation of Local 1000 Policy File 9.1.01 Procedure for Institution of Internal Grievances that states the following:

(c) The hearing shall be open unless a request for a closed hearing is made by the member whose actions are alleged to be the cause of the grievance.

Due to financial reasons, I lost my legal representation on June 8, 2022. Since then, I have repeatedly demanded to have my hearings open! During the first hearing conference in which I attended in April of 2022, I was convinced into having my hearing closed by my legal counsel. This came after I was admonished by NHO La Rue for injecting my refusal to a closed hearing in front of my attorney. Since losing my counsel, I have requested that my hearings be open, but to no avail. There is no valid reason or harm being committed with having transparency unless there is something to hide or conceal from the public. Transcripts don't reveal the emotions or full intent of words spoken in hearings, so I am requesting the zoom videos of all these HR1 hearings be open to the public for informational and review purposes. It should be noted that Anica who ran under the Members for Transparency and Change banner in 2015, 2018 and 2021, did not support these HR1 hearings being open.

6. VP Walls has made numerous salacious and slanderous statements and she has defamed my character in her efforts to remove me as the Local 1000 President and silence the voice of the voters. Anica stated on 5 different occasions in her August 8th, 2022, HR1 testimony (per transcripts pages 222, and 286-287) that I took (stole) a Local 1000 printer from the Local 1000 headquarters building. She said this without any facts to back up her statement and without any due diligent investigation on her part. By her own testimony, she did not request an inventory accounting of the Local 1000 equipment (or even just the printers) prior to her publicly maligning my name and accusing me of theft. Was this due to her unconscious or conscious racial bias? Who knows. What is known is that it helped to perpetuate the racist stereotype, being circulated by some in her group, that this black man is a detriment to the Union and can't be trusted. Even though Anica never provided any factual evidence of this alleged theft of a printer – which would have been easy to do if she had simply investigated to see if a printer was even missing from the Local 1000 inventory. Similarly, she accused me of stealing Local 1000 property in mail crates. However, she (till this day) cannot list the exact missing items which she believes I absconded from my own office. This is just one quick example of her slanderous and fictitious statements, in support of her planned vendetta to remove me through the HR1 process. If Anica is fully committed to lying on something as small as me taking a printer then what else is Anica willing to lie about in her calculated efforts to remove me from elected office?
7. Yet she said in a 2021 campaign “Shop Talk” video that the former Local 1000 President locked her out of office, didn't allow her to do 90% of her job, and wrote her up for giving unauthorized information to the Board. Ironically the 3 VPs including Anica were suspended of their official duties as clearly stated in their HR1 and suspension letters given simultaneously by me on February 25, 2022, for leaking confidential information and supporting the illegal October 16-17, 2021 vigilante justice “coup” Board meeting at the Sacramento Democratic headquarters building that was centered on creating an illegal “Chair” position that will have all the powers of

the Local 1000 President except for authorizing union leave! But true to form Anica quickly retaliated against me by getting the other 2 VPs to agree to suspend me on February 27, 2022, with their own suspension letter with their HR1 letter coming afterwards around March 6, 2022, which violated the Local 1000 Policy File.

8. Facts can only offer a limited view on complex situations so one must know the background regarding the facts to truly understand a situation and its mitigating factors in order to discover the answer to a problem or allegation. Local 1000 is a complex situation based on political power and intrigue so let me offer a quick review which will illuminate why Anica's HR1 allegations are a complete sham! For the last couple of decades information has moved faster and farther than ever before, all thanks to the internet. Yet, the inter-webs so called intellectuals make no distinction between fact and fiction, and in many instances assist bad information in traveling faster. Today, a person's credibility is judged by their social media presence or how many followers they have instead of their character and soundness of arguments. This spells really bad news for people of color regardless of the facts!
9. On June 9, 2021, exactly one-week after the announcement of my election victory an all-out media campaign to slander me was launched. The article borders on being a dumpster fire of journalistic misfeasance. Filled with unsubstantiated rumor and innuendo the article drops well-worn 2013 styled blue dog talking points of Fox News, wink and nod, and everyone knows statements.
10. Fact: Incumbents run on their record. The article leans heavy into former President Walker's 13 year history from a boots-on-the-ground perspective and provides the missing context why this election defeat was long overdue. Previous coverage has been so grossly biased that I am compelled to return the discussion to an equal footing. To date all coverage has been to sell fear and smear me as a right-winger, Right-to-Work, Freedom Foundation tool, when the reality is I

am a throw-back union reformer. In other words I am a real Labor Leader who is completely focused on Local 1000 represented employees versus being a servant to politicians.

11. Unlike the aforementioned article I will lay out some facts that have still gone unreported by any media outlet which will highlight why Anica's meritless allegations must be dismissed or risk the possibility of a grave injustice being committed.
12. Local 1000 is painfully divided into two warring factions between former President Walker's supporters versus Members for Transparency and Change (MTC) which Anica Walls is its most visible member. This war has operated for the most part behind closed doors and led by a dictatorial union boss for the last 13 years. In this time President Yvonne Walker had been able to surround herself with sycophantic followers all too willing to sell out the membership if it meant currying favor with "Momma Bear Walker."
13. In the 13 years Yvonne Walker sat at the helm, dues paying membership has nosedived to a fraction it once had. Since 2008 the trend has continued its downward spiral except with a minor increase over the a few years and it started to make a slight upward rebound when I took office.
14. Under Yvonne Walker state employees have lost several days of pay to every California Governor regardless of their political party either through forced furlough or voluntary sacrifice under the threat of furlough!
15. During contract bargaining, in 2016, Yvonne Walker walked away from contract negotiations to prioritize and force a Statewide Officer stipend vote during a 22-hour marathon council session. After returning to the bargaining table, received a lesser offer and announced the contract had been ratified through a prerecorded video without ever divulging the results of the membership vote.
16. During 2018 contract negotiations Yvonne Walker lied to the membership by stating that retirement health benefits were not a guaranteed right despite the fact it was expressly spelled out in California Government Code.

17. Yvonne Walker would always quote a great American and former slave's statement "Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them." - Frederick Douglass. This quote about power is why Anica racially has stated that I am all powerful because of what the great Frederick Douglas said, but Anica would never say that about a white man! Anica has a problem with African-Americans in power. This was exemplified by Anica's rejection of her former MTC colleague and former 2018 VP of Bargaining, Tony Owens, in his efforts to run for Local 1000 President in 2021.
18. While most of the old guard is gone Walker's manipulative lemming-like followers are still present and reeling from their demagogue election loss. The full-throated volume from them has increased exponentially but their numbers continue to wane. Screaming with their hair-on-fire is only a desperate cry for the return to bygone days where they can operate in the dark corners unquestioned. Yet, if you scratch the surface of their vitriol against the new President you will find no substance to their alarmist squawking. Despite all the made-up garbage that has been disproven as lies it has not stopped the Facebook crowd from repeating them, or inventing new ones. The constant drumbeat of fact-free labels invented by a small organized loyalist group, and their cult followers, has only served to brainwash themselves into believing their own hate-speech. Yet Anica could not get any of these witnesses to openly support her worthless allegations at these hearings because they don't even trust Anica; they also don't want to perjure themselves because they too are guilty of plotting to remove me from office.
19. It is unfortunate that today, world rating's, not news, drives the corporate news outlets. How do you drive ratings and get the most intelligent, fact-seeking people to take notice? By simply providing even more sensationalism than your competition, and offering just the facts, without providing the entire story. It is also equally true that cable news no longer tries to hide the fact that they are firmly captured by the two-party political system and owned by a handful of

multinational corporations. What's more, if you are a person that questions the status quo, such as me, then you are instantly labeled as being in the other guy's camp and, by default, automatically attached to everything that camp believes, also known as identity politics. My 10 Point Platform challenges Local 1000's status quo which the news covered in a malicious way to discredit me with Anica playing her part in the attempt to remove me from office for her greater good.

20. For instance, one particular theme that continues to surface is in regard to my appearance on Fox News. The duplicitous use of Fox News is thrown out to chum the waters for readers who subscribe to one particular camp. If you follow this line of hypocrisy then the label of Fox News automatically makes me a messenger for the corporatocracy, RNC, a tool of Koch Brothers Inc. or the Freedom Foundation, etc. Yet, none of this has ever been substantiated nor does any article even attempt to point to an instance where I have ever endorsed ANY right-wing group. I am a registered Democrat, yet Anica has labeled me, through her baseless allegations, as an all-powerful anti-union threat to the financial stability of Local 1000-this is absurd. However, I can look at the facts and distinguish them from opinions so I can appreciate people and their ideas from all political parties while still leading and supporting union values without having to demonize others for having different opinions.
21. I will remind everyone that as late as August 2016, Fox News and the RNC ran on a platform of 'anyone but Trump.' To be fair, yes, Fox went all in after the November election. I will point out also that Fox News has interviewed people like Bernie Sanders, Glen Greenwald, Dr. Cornell West and the esteemed philosopher, Professor Noam Chomsky. When is the last time you have seen a news segment on Edward Snowden or Julian Assange on CNN? If one of the "approved" media outlets had offered to interview me don't you think I would have eagerly accepted it in order to increase membership?

22. The leading statements are delivered with the stylized Outfoxed, everyone knows bend but that is the extent of investigative journalism one receives from these articles. I have very pointedly stated “If they swear me in, I’m going to go on national TV and give interviews to anybody that wants to know the truth about the corruption of this union that I belong to ...”. Not once was it pointed out that CNN, or any other left-leaning news outlet has reached out to interview me, because I don’t fit their already entrenched theme. But when have black people ever originally fit the narrative for America unless we are in a servitude role. Fox News was eager to interview me for one obvious reason, a union president had the audacity to not blindly support Gavin Newsom, emphasis on (D). The entrenched belief for decades is that labor always backs Democrats while business backs Republicans. The media continues to drive this long worn-out stereotype without ever examining the factuality of their convictions. If you are a good - insert political party here - you don’t question the status quo. How many remember that it was President Clinton (D) who signed NAFTA into law?
23. When California went into COVID-19 lock-down one of the first things Democratic Governor Newsom did was the same thing the two previous Governors had done, balance the budget on the back of state employees. Under Local 1000 President Yvonne Walker, both Governor’s Brown (D) and Schwarzenegger (R) cut state employee pay. In 2020 a side letter agreement was reached, while under a signed contract, where Yvonne Walker unilaterally gave up two days of pay. State employees represented by Local 1000 have not fared well under President Walker’s 13 year leadership regardless of the Governor’s political party.
24. Instead of clinging to the now disproved theory that bribing politicians to do their job is just the way things get done we can now have a more balanced foundation for discussion. The article went to great length to emphasize that my cardinal sin of not supporting Gavin Newsom (D), but only Fox News reported that I did not endorsing any candidate in the recall election. This

important piece of information wasn't even mentioned nor does it fit the characterization the opposition so desperately wants to prove.

25. Sure, the Koch Foundation/Rush Limbaugh/Sean Hannity/or fill in your own ideologue, will rant about special interest donations while simultaneously looking the other way for their approved funneling of corporate dollars into Republican coffers. The truth is, according to opensecrets.org, labor has consistently ranked 12th in total lobby dollars since 1998 and remains minuscule to other sectors like Health Insurance, Banking, and Defense.
26. How well has Yvonne Walker's campaign donations helped with lost days of pay, or contracts that don't outpace inflation under Democratic Governors? Moreover under Yvonne Walker's administration then Republican Governor Schwarzenegger furloughed state employees costing them three days' pay each month and some lost even more. When the dust cleared Yvonne Walker made the unilateral decision to drop the lawsuit against the Governor without any input from the Board. Other bargaining units who pursued their own lawsuits were eventually made whole.
27. Speaking afterwards on Local 1000 dropping the lawsuit against the State of California.
28. Lynelle Jolley, spokeswoman for the state Department of Personnel Administration [2011] "The agreement is a good deal for the state on two fronts ..."
29. First 5 California, the Prison Industry Authority, the California Earthquake Authority, the California Housing Finance Agency, and the California State Lottery all received reimbursement.
30. It costs taxpayers nothing, since all five departments are completely self-funded.
31. Local 1000 also agreed to drop four other furlough lawsuits pending in Alameda, Sacramento and San Francisco courts, Jolley said. Those lawsuits had the potential to cost the state tens of millions of dollars in back wages and interest for roughly 80,000 of the 95,000 workers the local represents

32. No vote of the membership was taken. No rescue by SEIU International ever arrived. The small group of insurrectionists backed these decisions without question. They do not represent our membership, our values and they certainly don't protect our vote!
33. One of the key points the media liked to focus on is the number of votes cast in the election, 7,880. The number by itself is meaningless without any context, but the approved messaging would have the reader believe only a small fraction of the membership bothered to vote.
34. The last statement is true, only a small fraction of the membership voted, just like in the previous elections, 2018 = 7,230 total votes and 2015 = 4,475 total votes. All organized under Yvonne Walker and places the 2021 total at the top for voter turnout.
35. A centrist approach would be to ask the former President why previous elections under her leadership cannot record a paltry 15% of the union's eligible voters. Instead, these journalists give a free pass to the former administration who had overseen all member votes since 2011, including two unreported strike votes and three unreported ratification votes.
36. According to historic research there was never, at any time, a redo election under Yvonne Walker until 2021. A President that had run 4 elections and multi-votes waited until this election to screw up is hard to believe. A do-over for VP Bargaining cost the members \$300K.
37. Yet, unreported was the fact that one of the DLC Presidents was not eligible to run at all. This information went unreported while her name was found to be attached to a list of anti-democratic agenda items submitted in August.
38. A year+ after Governor Newsom had taken nearly 10% from state employees, in a post-election, lame duck emergency session the union leadership rushed to express their fealty to the Governor and donate \$1M to combat the recall attempt against him. The call for the emergency Board meeting was delivered on the same day it was announced that I was declared the winner on Friday, May 28, 2021. This was also Memorial Day weekend which meant that the only day Board Members could have possibly polled their membership was Tuesday, June 1, 2021. That

one day was very clearly not enough time which means that Board acted on their own interest and not in their members' interest as it is specified in the Policy File. This is the status quo these "leaders" endorse and would have you believe that is the only way business gets done.

39. Many Board seats changed on June 30, 2021, so not every current Board member ever had a vote on this matter. However, the membership should know that many of the loyalists who also ran unopposed, still hold a Board seat and still cling to the status quo.
40. On June 30, 2021, my first full day in office, demands to hold the SBAC began reverberating across Facebook. Accusations of cancelling full-time union leave fell on me yet the end of union-leave was caused by President Walker's unethical departure to facilitate a smooth transition of authority. Her actions were akin to tossing the keys as she exited and waving a middle finger to the incoming President.
41. For a month this campaign was waged at the President-Elect, and this is how the previous administration her loyalists along with MTC supporters welcomed theme as the new incoming President.
42. On July 2 the do-over election for VP of Bargaining began, saddling me with \$360,000 of debt on day two but Anica deceptively stayed quiet about the \$360,000 that could have been easily avoided. Anica had a vested interest due to her running mate, former 2018 VP Secretary-Treasurer, Kevin Menager, running for this position. If he won then Anica and her 2 MTC running mates would be able to remove me from office much sooner but Yvonne Walker slate member, Irene Green won this position. So the two warring factions would have to work together to remove me from office but neither side trusts the other side so it would take time for put together these meritless allegations.
43. On August 6, 2021, the protest period had ended and Irene Green was elected again due to the fact she had won the initial 2021 VP for bargaining position but a redo election was warranted due to two candidates were eligible to run for this position. I showed class by congratulating her

personally, yet the opposition had to find the negative and complain about the cost of sending a card. So being polite, having manners, and showing class is something that must be turned negative.

44. On August 11, 2021, the Taylor mother and daughter tandem put their lack of class on display uttering their now famous racist, homophobic, and sexist quote. Yet, nobody from the Board denounced this vulgarity for what it was. Yet the loyalist and their cult followers want to point fingers at me when his first five weeks have been filled with nothing but hate and vitriol being spewed at me like I am a monster aka detriment to Local 1000. Anica again stayed deceptively quiet, and she continued to let people speak negatively on her Local 1000 Speak On It show on Tuesday evening that I authorized because of her desire to foster the climate of hate to remove me from office!
45. On August 20, 2021, exactly one-week after Irene Green declared VP Bargaining the small cabal of oppositionist on the Board submitted their agenda to change the structure of the union (Bylaws, Policy File).
46. From the time of taking office until now it had been 37 working days. In 6-weeks I was labeled the greatest threat to the union. They said I was going to destroy the union and I had been called every name in the business. In 37-days some members on the Board determined they had seen enough and that a complete structural change for the union was needed overriding the membership vote.
47. Was it only 37 days? Those agenda items were not written and submitted on the same day. This agenda was in place long before the day they were mailed. How long before is the real question? Did they start writing the day he took office or the day it was announced he would be the new President? Either way they rushed to make a judgement about President Brown long before he had ever taken a single action as the sitting President. **Anica was a co-leader of her own plot to**

remove me from office which is verified by Local 1000 Board members on video on April 20, 2022 and by affidavit by one of these members, DLC 772 President, Mary De La Cruz.

48. I am considered by many to be a firebrand which may be a reflection of my Midwest upbringing.

My unconventional approach appeals to some and turns off others. The controversy that surrounds me is fed by entrenched loyalists spewing their same old, hollowed-out, bombastic rhetoric befit for only the fringe of Q'anon subscribers.

49. What pillars of the establishment have shaken up so much that has caused such backlash? My 10 Point Platform has such audacious goals like union transparency [gasp], union accountability [shocking], eliminating salary stipends for the statewide officers [shame], setting a two-term limit for all volunteer elected positions [oh the humanity]! My agenda has been referred to as the final death knell for Local 1000. Unbelievable! Almost akin to allowing blacks to vote and attend schools with whites! Anica used this animosity against me to justify her well-planned HR1 meritless allegations

50. Furthermore, I have openly stated the union will increase representation of state employees at their worksites! A clear departure from the consecutive years of hemorrhaging job stewards under the previous leadership. Reversing course I eliminated Yvonne's LAPS program that was immediately recognized to be a nine month-long loyalty test rather than a program to develop new stewards. I have stated anyone that wants to be a steward can be a steward and has restored many employee stewardships since his first day. Yet, Anica claims that I am self-absorbed yet I have appointed on average a steward per day since taking office up through February 2022, but Anica refused to do weekly training for these new stewards because she wanted to claim recognition for this amazing turnaround!

51. Under Yvonne Walker 100,000 state employees were represented by ~500 job stewards, at ~2,100 job sites statewide, you can do the math.

2 This opening statement has leaned heavy into the former union leader, and why shouldn't we?

Yvonne Walker had 13 years she justified by saying she wouldn't have changed a thing. Yet candidate Walker never once put out any publication in the last several elections stating what her position was on any issue. Instead she only promised more of the same. This was accepted by the media, and her loyalists, at face value without ever attempting to examine her track record. Anica has followed the same steps.

3 Even before I was sworn into office old guard loyalists and other factions (MTC) screamed at nauseam their opposition to term limits for elected leaders, their willingness to accept side letter agreements that reduce our pay while undersigned contracts, opposition to real representation through arbitration and stronger bargaining power by going on strike. Is it too much of a stretch to consider MY agenda might not be the problem in Local 1000 since I did win the election!

4 There is absolutely no evidence at all that I ever called for the recall of Local 1000 leaders nor did Richard Wake in any form or fashion. I do have physical phone text evidence of Mr. Wake attacking me with bullish behavior with intimidating name calling me "a coward, a clucking chicken and a bald-faced liar". SEE B L pages 44- 2

here ore, in summar I sincerel hope that ustice based on onl the acts will pre ail and o ercome these 10 e tremel meritless Rl alle ations I sincerel hope that these meritless alle ations will be uic l dismissed or ha in merit lections ha e conse uences and we must not o erturn the oice o the oters based on racial pre udice, political di erences and an und in hun er or power and presti e o e en thou h this a strai ht orward case o accountabilit his doesn t ha e to remain a sad but true stor about our nion s Lac o ccountabilit re ardin Racism and Politics - please do the ri hteous thin and end this abrication in e ilness Let truth and ustice pre ail, as histor is alwa s watchin and recordin our decisions and actions

han s,
Richard Louis Brown
Richard Louis Brown, Local 1000 President, Inspire the Impossible 7437

To: [DLC 767 President Richard Wake](#)

Wed, Aug 18, 7:49 PM

Debate. Yes or no?

Thu, Aug 19, 6:28 AM



Clucking Chicken

[youtube.com](#)



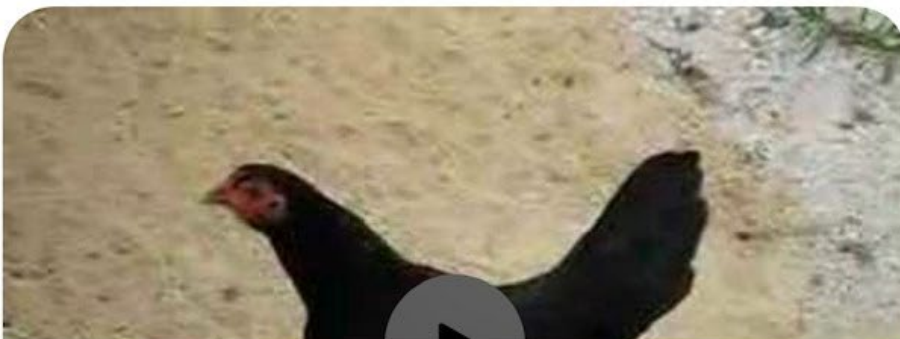
Thu, Aug 19, 8:26 AM

Who is this?
Richard 7437

To: [DLC 767 President Richard Wake](#)

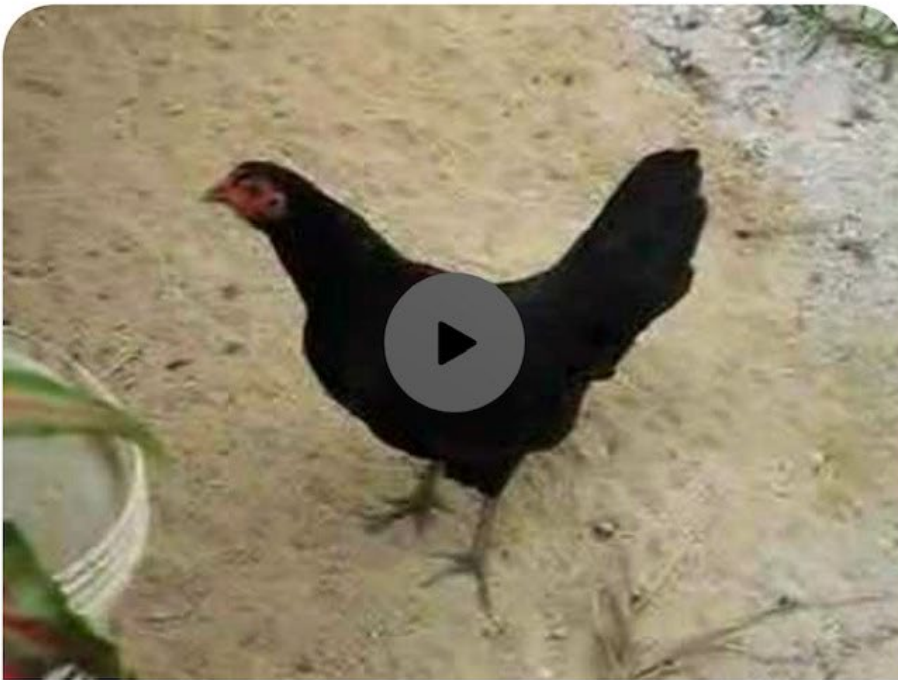
Wed, Aug 25, 6:49 PM

No debate at the event on Friday. No debate at the swearing in ceremony. Only on a Wednesday night where we take unscripted questions from members employees and the public. That's the only way I'm going to do this. I'm also NOT going to speak with you one on one. If this not scheduled by next Wednesday I'll be doing it myself with an empty chair next to me. Your call.



To: [DLC 767 President Richard Wake](#)

on one. If this not scheduled by next Wednesday I'll be doing it myself with an empty chair next to me. Your call.



Clucking Chicken

[youtube.com](#)



Afraid to call on me again?

Chicken cluck cluck cluck!!

To: [DLC 767 President Richard Wake](#)

Wed, Nov 17, 7:08 PM

You're a bald faced liar

Hey Coward allow me on the call I've requested it on my phone

Wed, Dec 8, 8:41 PM



Clucking Chicken

[youtube.com](#)



To: [DLC 767 President Richard Wake](#)

Wed, Nov 17, 7:08 PM

You're a bald faced liar

Hey Coward allow me on the call I've requested it on my phone

Wed, Dec 8, 8:41 PM



Clucking Chicken

[youtube.com](#)



To: DLC 767 President Richard Wake

Thu, Dec 9, 7:13 AM

DLC 767 President Richard Wake

Thank you for your support and encouragement.

Please don't call me a coward and chicken.

You are better than this demeaning name calling.

Richard 7437

..!.. read between the lines.

I'm NEVER going to forgive you how you've disenfranchised me from attending the BOD meeting. You could walk on water and it would not matter to me. Ben Arriaga is the LEGITIMATE President of

To: [DLC 767 President Richard Wake](#)

Ben Arriaga is the LEGITIMATE President of DLC 767. He WILL be attending the meeting and he WILL be voting. Have a nice day.

I am sorry for your anger and resentment but Ben Arriaga simply can't come in your place because it was after the deadline.

I will pray for you and hope you can receive the peace and serenity to accept my leadership because you can't just circumvent the rules to fit your agenda.

Thank you for your understanding,
Richard 7437

To: [DLC 767 President Richard Wake](#)

I am sorry for your anger and resentment but Ben Arriaga simply can't come in your place because it was after the deadline.

I will pray for you and hope you can receive the peace and serenity to accept my leadership because you can't just circumvent the rules to fit your agenda.

Thank you for your understanding,
Richard 7437

WRONG. You're a Bully, a hater, you've messed with the WRONG person.

To: [DLC 767 President Richard Wake](#)

Wed, Dec 29, 10:07 PM

Screw u brown

HA HA HA HA!!!! 😄

Fri, Dec 31, 11:29 AM

Don't EVER refer to me as
being racist EVER again.
Screw that.

Wed, Mar 2, 8:38 PM

GET YOUR FACTS
STRAIGHT!

Sat, Mar 5, 9:51 AM

Hey ass hole - you must be
desperate breaking and
entering

**SEIU Local 1000 Internal Disciplinary Procedure
Local 1000 Policy File Division 9: Discipline**

In the Matter of The Proceeding)	
Between)	
	)	<i>Amended Internal Dispute</i>
MICHAEL GUSS, DISTRICT LABOR	)	22-02-HR1
COUNCIL 794, ANICA WALLS, VICE	)	Internal Dispute
PRESIDENT FOR ORGANIZING AND	)	22-03-HR1
REPRESENTATION, SERVICE)	
EMPLOYEES INTERNATIONAL	)	NHO FILE NO.: 220316-BROW
UNION (“SEIU”), LOCAL 1000, SEIU,)	
)	
Charging Parties.)	
)	
-AND-)	
)	
RICHARD LOUIS BROWN, PRESIDENT	)	HOMER C. LA RUE
(SUSPENDED), SERVICE	)	Independent Neutral
EMPLOYEES INTERNATIONAL)	Hearing Officer
UNION (“SEIU”), LOCAL 1000, SEIU,)	
)	
Charged Party.)	
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Re: Disciplinary Charges)	

POST-HEARING BRIEF OF CHARGING PARTY ANICA WALLS

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INTRODUCTION

This is a straightforward union disciplinary matter. In Charged Party Richard Brown's relatively short time as President of SEIU Local 1000 ("Local 1000" or the "Union"), Brown repeatedly engaged in conduct that ran afoul of the Union's key governing principles—specifically, the Policy File (a copy of which was admitted as NHO Exh. G¹ (hereinafter "Policy File"))—ranging from self-evident acts of corporate misfeasance to the use of demeaning and threatening language with staff and members, and culminating in a five-day, unauthorized occupation of the Union's headquarters during which Brown and his supporters changed locks, chained doors, and threw the Union into turmoil. This ordeal harmed the Union's image and impeded the Union's ability to effectively serve its members—all in violation of clearly defined guidelines in the Policy File.

Charging Party Anica Walls, a statewide elected Vice President, and the other Union Vice Presidents, suspended Brown from office pursuant to their powers in the Policy File for engaging in conduct that posed an immediate threat to the Union. Walls then brought charges against Brown pursuant to the Union's clearly established disciplinary procedures, while the Union pursued separate legal action in court.² On March 25, 2022, a Sacramento Superior Court judge entered a preliminary injunction against Brown stripping him of all powers of the presidency and prohibiting him from acting or holding himself out as President of the Union.

¹ We will cite to the record as follows: Charging Party Walls's exhibits will be designated as "Walls Exh. ____"; Charged Party Brown's exhibits will be designated as "Brown Exh. ____"; NHO La Rue's exhibits will be designated as "NHO Exh. ____"; and NHO La Rue's orders will be designated as "NHO Order No. ____." The transcript of the proceedings will be cited as "[DATE] Tr. [PAGE:LINE]," followed by the witness's name in parentheses when necessary for clarification.

² A Union member, Michael Guss, also brought charges against Brown alleging a subset of the allegations in Walls's case. *See* NHO Exh. A. The record and evidence from those proceedings have been incorporated here. *See* Oct. 28 Tr. 890:10-14 (NHO La Rue).

Walls's disciplinary charges then came before the National Hearing Officer ("NHO") for a hearing on April 19, May 31, July 7, July 19, August 8, August 31, September 7, and October 28, 2022.

As we discuss below, the evidence from the hearing established that, at a minimum, Brown engaged in "[g]ross neglect of duty by a member holding an elected or appointed office or any other position in Local 1000 (NHO Exh. G at 9.0.01 1.(b))" and "behavior which ... causes discredit to Local 1000 (*id.* at 9.0.01 1.(k))," as Walls alleges. *See* NHO Exh. B. Charging Party Walls now respectfully requests that the NHO sustain her charges and recommend that Brown be removed from office as President as well as all other leadership positions he holds within the Union.

THE FACTUAL RECORD

The significant time these proceedings consumed belies a relatively concise factual record, which was established primarily through the testimony of Walls and Brown. We discuss the evidence in substantial detail in the "Argument" section, below, but we offer a brief recitation of the pertinent facts here for reference.

I. The Parties.

Charging Party Anica Walls is the statewide elected Vice President for Representation and Organizing for Local 1000. *See* Aug. 8 Tr. 174:24-25 (Walls). Walls is also a Local 1000 steward, a position she has held (and continues to hold) since 2007. *Id.* 175:9-10. As a Union Vice President, Walls is also a member of the Local 1000 Board of Directors ("Board"), *id.* 176:18-20, as well as the Local 1000 Executive Committee (as is the President and the two other statewide Vice Presidents). *Id.* 177:4-14.

Charged Party Richard Brown is the suspended President of the Union, a position he assumed on June 30, 2021. *See* NHO Interim Determination and Order No. 11 Resolving Predicate Issues in *Walls v. Brown* (“NHO Order No. 11”) at 5 (citing joint stipulations of fact by the parties). As Union President, Brown was also a member of the Local 1000 Board of Directors and the Local 1000 Executive Committee. And Brown, too, remains a Union steward by virtue of his elected office.³ On February 27, 2022, Walls and the other Vice Presidents suspended Brown from office. *See* NHO Order No. 11. The suspension remains in effect today.

II. Brown’s Alleged Policy File Violations.

Walls organized her charges against Brown into 10 separate paragraphs (*see* NHO Exh. B), each of which were addressed during the proceedings. At bottom, however, Walls simply alleges that Brown engaged in conduct that harmed the Union and tarnished its image—conduct that properly can be redressed through the disciplinary process. This included substantially impeding the Union’s ability to conduct business, acting inappropriately toward members and staff, and taking part in an unauthorized occupation of the Union offices after Brown had been suspended. While each type of action is sufficient alone to warrant discipline, all of them together form the basis of Walls’s charges and her request for a recommendation of sanctions.

A. Interference With Routine Union Business.

While in Office, Brown made numerous detrimental personnel decisions, such as excluding Vice President of Bargaining Irene Green from executive committee meetings (*see* Aug. 8 Tr. 196:9-13 (Walls)) and instructing staff not to speak with Walls (*see id.* Tr. 229:18-20). He accosted staff when he felt their loyalty was wavering (*see* Walls Exh. U at 8). He

³ This is because all elected officers of Local 1000, including the President and Vice Presidents, are required to be “an active steward for the two years immediately prior to the first day of the nomination period.” Policy File 12.0.02(d)(2).

suspended and terminated staff who crossed him (*see* Walls Exh. L at 47, 49). And when it became clear that individuals—including Walls—“were coming together and having ... conversations” about removing Brown from office, Aug. 8 Tr. 202:4-5 (Walls), Brown attempted to suspend the Union membership of all three Vice Presidents “because he knew [they] were moving” against him. *Id.* 202:6-7.

Brown also engaged in harmful “executive decision[s],” such as unilaterally changing representation procedures that stripped power from the Union stewards and forbade them from “mov[ing] on an item or an issue without the direction of the DLC president,” Aug. 8 Tr. 200:3-4; 205:21-23 (Walls). He also refused to convene Board meetings—both those that had been scheduled (*see id.* 182:10-20 (Walls)) and those that had been requested specially by a majority of the Board (*see id.* 236:24 – 237:4). And to the extent Brown did preside over *some* Board meetings, these meetings were problematic in other ways, as Brown refused to include agenda items submitted by Board members; refused to conduct the regular business of the Union by classifying meetings as “training only”; refused to call meetings to order; diverted Board meetings for his personal agenda; and prevented the Board from taking action on the 2022 budget. *See id.* 188:13-24 (Walls) (affirming the specific allegations contained in the charging document at paragraph 2.a).

Similarly, Brown unilaterally gave the Union staff additional paid holidays that the Board had not approved, *see* Aug. 8 Tr. 228:14-16 (Walls), and that had not been part of the staff contract the Board had ratified, *see id.* 300:1-3—a consequential decision since “[the Union is] still an employer and need[s] to make good financial decisions,” *id.* 227:18-20, and given that these “12 additional holidays ... could organizationally cost [the Union] a lot of money.” *Id.* 227:20-22. He withheld information from the Vice Presidents about ongoing lawsuits the Union

was involved in, which left the Vice Presidents without enough information to do their due diligence. *See* Aug. 8 Tr. 200:9-15 (Walls). And he left unaddressed a number of disciplinary complaints submitted mostly by his detractors. *See id.* 231:22 – 232:13.

B. Inappropriate Treatment of Members and Staff.

In addition to Brown’s harmful conduct against the Union, Brown also engaged in rude, disrespectful, and harsh conduct toward members and staff, often times in a public setting. Charging Party Michael Guss introduced several videos in his case against Brown showing Brown’s conduct at his publicly available weekly question-and-answer sessions with the membership, which Walls described as “typical” of Brown’s conduct. Aug. 8 Tr. 209:4-13.⁴ The videos show a plethora of troubling conduct, including, but not limited to:

- Brown commenting on Michael Guss’s Jewish faith while emphasizing his own Christian faith (Brown Video 46:35-47:15);
- Brown revealing on a publicly available video Michael Guss’s COPE form, which contains personal identifying information and is itself a private document revealing an individual’s decision to contribute money for political aims (Brown Video 45:33);
- Brown challenging Board member Richard Wake to a fight at Brown’s house (Brown Video at 48:24);
- Brown challenging Michael Guss and Richard Wake to address Brown’s supporters who show up in “pickup trucks” and who “believe in the Second Amendment”—a

⁴ Brown submitted in his post-hearing brief in the Guss matter a single compilation video that included all of Gus’s exhibits as well as additional footage. The compilation can be found here: <https://youtu.be/8HA2QgGo-VM>. To the extent this compilation was not formally moved or admitted into evidence, Charging Party Walls has no objection to the NHO considering this evidence in this matter and we shall cite to this video in this brief as “Brown Video [TIME STAMP].”

clear threat in response to Guss’s criticism of Brown’s actions (Brown Video 13:33-14:10); and

- Brown calling Guss and others “so-called Facebook wannabe, know-it-all leaders” (Brown Video 18:46-19:05).

Indeed, Brown’s behavior on these publicly available videos was generally erratic (*see, e.g.* Brown Video 44:32-44:58; 45:00-45:30), and the Board meetings Brown presided over were not much better, as the atmosphere in those board meetings “varied between informative and tense,” Oct. 28 Tr. 886:23-24 (Guzman).

Brown’s treatment of Union staff followed suit. Walls had personal knowledge that Union staff “did not like the way [Brown was] talking or treating (sic) them.” Aug. 8 Tr. 304:2-3. Walls pointed to a text exchange between Brown and Chief of Staff Donna Snodgrass (*see* Walls Exh. U)—in which Brown is verbally abusive to her—as an example of Brown speaking “harshly” to staff. Aug. 31 Tr. 355:1-25. And Jack Dean established that the Local 1000 staff union was at odds enough with Brown that the members saw fit to stage a protest against Brown’s treatment of them. *See* Oct. 28 Tr. 859:9 – 860:6.

C. Unauthorized Occupation of the Union Headquarters.

On February 27, 2022, Walls and the two other statewide elected Vice Presidents invoked their authority under the Policy File and suspended Brown from office for his cumulative actions that they determined posed “an immediate threat to the welfare of Local 1000.” Policy File 9.0.04. This specifically included Brown’s failure to hold meetings and his interference with the Board’s performance of its fiduciary duties (*see* Aug. 8 Tr. 205:12-17 (Walls)), as well as Brown’s inappropriate treatment of members and staff, *see id.* 208:7-8.

From March 5-10, 2022, the Union building was “occupied by members” who had shown

up to protest Brown’s suspension. Oct. 28 Tr. 854:25 (J. Dean). Brown’s supporters put chains on the front doors, *see* Oct. 28 Tr. 848:10-13, and then let people into the building by temporarily removing those chains. *See id.* 848:16-17. “[S]ome of the DLC presidents ... were trying to keep the members outside of the building,” Sept. 7 Tr. 580:9-11 (Stahl), and Walls personally observed that some of the locks inside the building had been “jimmied.” Aug. 8 Tr. 218:25 – 219:1; indeed, Brown himself confirmed that he had changed the locks because his keycard access had been disabled. *See* Oct. 28 Tr. 789:14-20.

Although Brown’s suspension meant he was not able to perform any duties of the presidency, including being in the Union offices, Brown and his supporters created a substantial disturbance at the Union offices during this time. Ebie Lynch—one of Brown’s advisors throughout these proceedings—organized the demonstration, *see* Oct. 28 Tr. 866:11-15 (J. Dean), which was intended as a “protest rally for them locking people out of the buildings ... and turn[ing] off emails and all kinds of stuff,” *id.* 847:14-17 (J. Dean), specifically with respect to Brown. *See id.* 866:4-8. Brown “was aware ... that there were members who were very upset, and they wanted to take action because they felt their voice was being silenced,” *id.* 757:25 – 758:2, and he responded to the Union offices on March 5 “after being called” by these supporters. Aug. 31 Tr. 407:4-5 (Brown). Although Brown had lost the right to exercise any duties as President (*see* Aug. 8 Tr. 213:17-22 (Walls); *see also* Walls Exh. S), and Brown’s key card “had been cut” and he had lost access to the Union offices, Aug. 8 Tr. 216:12-15—in particular the area of the building where his office was located, *id.* 223:20-24—Brown took “[b]inders of papers,” “a printer,”⁵ and “multiple ... USPS buckets, the clear white buckets” to

⁵ Walls acknowledged on cross-examination that she could not confirm if the printer belonged to the Union or not, but she did state that “[i]t looked exactly like the printer that [Brown] had on [his] desk.” Aug. 31 Tr. 470:14-15.

two cars parked outside. *Id.* 222:1-5 (Walls).⁶ The entire ordeal led to a police presence on the scene (*see* Sept. 7 Tr. 579:19-25; Walls Exh. J at 6), and the Fire Marshal ultimately had to “physically open the building” on March 10, when Brown and his supporters finally left the building. Aug. 8 Tr. 218:1-4 (Walls).

As a result of all this, Union business “was interrupted completely” (Aug. 8 Tr. 225:22-23 (Walls)): staff members were kept away for safety reasons (*see id.* 225:7-10); Union reps “weren’t able to do their jobs as they normally do” (*id.* 225:16-18); and mail collection “had to be deferred or sent elsewhere” (*id.* 225:20-21). Further, there was public fallout from this incident—which Walls learned about personally—from which the Union is still trying to recover. *See* Aug. 8 Tr. 225:2-11. The fallout also included Brown’s improper suspension of longtime Union general counsel Anne Giese on March 6 (*see* Walls Exh. L at 47) and his improper termination of Donna Snodgrass as Chief of Staff of the Union that same day, *see* Oct. 28 Tr. 782:13-18; *see also* Walls Exh. L at 49 (March 6 communication informing Donna Snodgrass she had been fired).

III. The Disciplinary Charges and Related Legal Action.

On or about January 10, 2022, Board member Bill Hall filed a lawsuit against Brown in Sacramento County Superior Court alleging many of the same claims in these proceedings. *See* Walls Exh. A. In connection with that case, and immediately following Brown’s occupation of the Union offices, the Union moved for a preliminary injunction against Brown to prevent him from performing any duties as President and further harming the Union. The injunction was granted on March 25, 2022. Pleadings, court orders, and transcripts from that litigation were admitted here as Walls Exhs. A-T.

⁶ Union General Counsel Anne Giese declared under oath in court filings that Brown was removing records that he had described as “strategic files.” Walls Exh. L at 3, ¶ 9.

On March 6, 2022, Anica Walls brought disciplinary charges against Richard Brown pursuant to the procedures set out in the Policy File (*see* NHO Exh. B).⁷ Michael Guss did the same on March 8, 2022 (*see* NHO Exh. A). These proceedings followed.

ARGUMENT

Although Brown complains that these proceedings are little more than an attempt to “sandbag” his presidency, Apr. 19 Tr. 28:18⁸ (opening statement of opposing counsel), the record clearly showed that Brown’s conduct substantiates the charges against him. Anica Walls was forthright in stating that she has no vendetta or particular animus toward Brown. *See* Aug. 8 Tr. 269:6-10. If anything, as Walls testified, she was not “as harsh as ... [she] should have been” and “[t]he suspension probably arguably should have come sooner.” *Id.* 208:9-12. But because she and the other Vice Presidents had been trying to work with Brown, “it took a lot of stuff for us – for me to finally say, ‘Okay. You know what? This is it. Last straw. Can’t do it anymore.’” *Id.* 208:13-16.

Brown ultimately failed to meaningfully rebut Walls’s testimony and evidence. His defense largely consisted of his loyalists—many of whom did not establish a sufficient factual basis for their testimony—offering unsubstantiated rebuttals of Walls’s claims. And Brown, for his part, took the stand mostly to elaborate on his conspiracy theory of the charges here.⁹

⁷ Those charges were amended on or about March 17, 2022.

⁸ Brown’s primary “evidence” of this point were unconfirmed reports that Anica Walls and others had discussed early on the idea of removing Brown from office. *See, e.g.*, Oct. 28 Tr. 755:9-16 (Brown). Even if this were true, it certainly does not prove nefarious intent; if anything, it speaks to the widespread concern about Brown’s conduct from an early stage. Likewise, Brown suggested through repeated questioning during his cross-examination of Walls that Walls’s use of the HR1 disciplinary process was further evidence of this conspiracy (*see, e.g.*, Aug. 31 Tr. 426:4-6, 17-19; 431:2-5; 461:5-7). But the HR1 process is the precise mechanism the Policy File prescribes for bringing disciplinary action, including against the president; indeed, it would have been improper for Walls to proceed against Brown in any other way.

⁹ For example, he pointed to an alleged incident where the police came to his house the day after

What was clear from these proceedings is that Brown continues to disregard any efforts to hold him accountable as a Union leader. Despite being ordered by a Superior Court judge to stop holding himself out as the Local 1000 president (*see* Walls Exh. S), and despite this Hearing Officer’s pre-hearing ruling on the legitimacy of Brown’s suspension from office (*see* NHO Order No. 11), Brown continues to hold himself out as the Union President: as recently as October 26, 2022, *while these proceedings were pending*, Brown’s email signature block clearly identifies him as the Local 1000 President, *see* Oct. 28 Tr. 793:2-9; Brown continues to hold his regular discussions with members, which are broadcast publicly, *see* Oct. 28 Tr. 802:17-21; and Brown’s assistants and witnesses defiantly referred to him as “President Brown” throughout these proceedings. It is little wonder Walls turned to the formal disciplinary process for redress.

I. The Charging Document Establishes Clear Grounds For Discipline.

Anica Walls has accused Richard Brown of engaging in conduct that constitutes (i) “[g]ross neglect of duty by a member holding an elected or appointed office or any other position in Local 1000;” (ii) “[v]iolation[s] of Local 1000 Bylaws or Policy File, or DLC, SBAC or BUNC Rules; (iii) “[i]ntentional disrupting the (sic) orderly conduct of an official meeting; (iv) “[b]ehavior which is determined by the hearing panel or officer to be of such a nature that it causes discredit to Local 1000”; and (v) “[failure] to carry out the duties of any office or position in Local 1000 with respect to representation of the members at the worksite.” Policy File 9.0.01 1.(b), (e), (h), (j), (k), and (m); *see also* NHO Exh. A. The Policy File also states that stewards—who are agents of the Union—must “create[e] and maintain[] positive relationships among

his victory was announced (*see* Oct. 28 Tr. 748:19-23) as proof that people were out to get him. He cited baseless reports that his opposition was after him for being “an outspoken black man.” *Id.* 749:18-20. And he referenced an alleged incident where someone told him to “Eat a dick” and “Suck a dick,” *id.* 750:13-15, and called him “a dick,” which he interpreted as racial slurs. *Id.* 751:15-20; *see also id.* 751:21 – 752:1 (making the same inference regarding the word “motherfucker”).

members, stewards and Local 1000 staff through effective listening, communication and action.” Policy File 6.0.03.

Violations of any one of these provisions would warrant sanctions. But here, Brown violated them all. As we explain below, Brown’s immediate suspension from office was proper and these disciplinary charges should be sustained.

A. Brown’s Conduct Impeded the Union’s Functioning.

At bottom, the Board of Directors (“Board”) simply was not “able to conduct business properly according to the bylaws and the policy files (sic) under Mr. Brown’s tenure.” Aug. 8 Tr. 186:3-10 (Walls). The record amply bears this out.

Brown repeatedly interfered with the Union’s efficient functioning. He instructed staff to stop communicating with Walls, the statewide Vice President of Representation and Organizing (*see, e.g.*, Walls Exh. U at 9 (Brown’s declaration to Chief of Staff Donna Snodgrass that “all communications with Anica are over!”) and 14 (Brown’s declaration to Snodgrass “I don’t want Anica having any future conversations at all with you”)), which was particularly “troublesome” because Walls had “pretty open communication with directors” and their staff (Aug. 8 Tr. 229:22 – 230:1) and was “the person” Local 1000 members came to with issues regarding regional leadership. *Id.* 176:6-7.¹⁰ Walls also recounted how, in the same vein, Brown stopped sharing information with her about ongoing lawsuits the Union was involved in,¹¹ which left Walls and the other Vice Presidents without adequate information to do due diligence with respect to key Union expenditures. *See* Aug. 8 Tr. 200:9-15. In a February 24, 2022 email to Chief of Staff

¹⁰ To the extent Walls ultimately was able to have some necessary job-related communications, it was only because others “weren’t necessarily following [Brown’s] directive” and interacted with her anyway. Aug. 8 Tr. 230:21-22.

¹¹ The only evidence Brown offered to rebut this accusation was the testimony of Peter Ussery, who, without any factual basis, declared that he did not think Brown tried to hide information from the Executive Committee. Sept. 7 Tr. 653:19-21.

Donna Snodgrass, Brown was similarly autocratic: he unilaterally cancelled all meetings between staff members and the Chief of Staff, requiring instead that Union personnel report directly to him, and declared that “any insubordination with the Local 1000 President by management staff will not be tolerated and subject to immediate termination.” Walls Exh. U at 27.

Brown also unilaterally changed representation procedures by mandating the input of the DLC presidents before stewards could process any grievances—an abrupt and ill-advised change that caused Walls to “fear ... that a health and safety grievance would come in and [the Union] would not have the response [it] needed to have within the time frame, and that would have caused what we call a duty of unfair representation.” Aug. 8 Tr. 207:3-7.

When Brown improperly attempted to suspend the three Vice Presidents, he cut off Walls’s access to her work email and the Union office buildings, a particularly disruptive move since Walls received “hundreds of emails a day in regards to various issues,” Aug. 8 Tr. 204:14-15, and kept in her Union office “both personal and work items that helped [her] do [her] job,” *id.* 205:1-2. Indeed, this “caused a substantial interference [with her] ability to perform [her] job as vice president.” *Id.* 205:4-7. And following the chaos Brown and his supporters caused by their occupation of the Union offices, Brown precipitously suspended the Union’s longtime General Counsel, Anne Giese, and fired the Union’s Chief of Staff, Donna Snodgrass, simply because Giese and Snodgrass had been part of the decision to instruct Union staff to stay away from headquarters while Brown and his supporters were occupying the building. *See id.* 292:7-8 (Walls).¹²

¹² Brown only underscored his true motives for suspending Giese by asserting obvious pretext in his redirect examination—that Giese’s suspension was prompted by preexisting complaints about her performance—none of which came out on direct- or cross-examination, and none of which assertions were supported by corroborating evidence or testimony. *See* Oct. 28 Tr. 800:17-24

Walls testified that Brown refused to convene all required Board meetings, and substantially impaired those that he did call. This testimony was corroborated by Brown's own witnesses. Derrick Rocha testified that Brown held meetings "on occasion," Sept. 7 Tr. 617:23-25, and was not able to recall whether Brown conducted any Union business at the one or two meetings Rocha attended. *See id.* 619:21-24. Peter Ussery testified that he did not remember precisely how often Brown convened Board meetings, nor did he remember what was said at these meetings. *See* Sept. 7 Tr. 638:2-10.

Walls personally attended Board meetings on December 18 and 19, 2021, and recounted how Brown (i) refused to include agenda items submitted by Board members;¹³ (ii) refused to conduct the regular business of the Union by classifying the meeting as "training only"; (iii) refused to call the meeting to order; and (iv) diverted the entire Board meeting for his personal agenda. *See* Aug. 8 Tr. 188:13-24 (referring to the specific allegations contained in paragraph 2.a of the charging document).

Walls also personally attended a Board meeting on December 29, 2021, the purpose of which was to discuss the proposed budget for 2022, where Brown engaged in similar problematic conduct. *See* Aug. 8 Tr. 189:16. Walls stated that Brown's proposed budget contained "exaggerated numbers" that concerned the Vice Presidents (*see id.* 189:19-23) and that Brown prevented or significantly limited the Board from asking important questions, which Walls said impeded the Board's "fiduciary duty to make sure that ... [it is] making sound decisions as a board for the organization as a whole." *Id.* 190:5-7. Indeed, because Brown had not allowed for fair consideration of the budget, the budget did not pass, *id.* 190:20-25—

(Brown).

¹³ The only evidence Brown offered to rebut this point was Monica Rodriguez's testimony that the Board members always received agendas ahead of time (*see* Sept. 7 Tr. 692:2-4). But this, of course, does not speak to whether those agendas were complete and responsive to all requests.

something Walls learned from specific conversations with Board members who voted against the budget for this reason. *Id.* 190:25 – 191:4.¹⁴

Although the budget was not absolutely necessary for Union business to continue (*see* Aug. 8 Tr. 193:15-16 (Walls)), it “should be passed so that we all agree, as a board, [which] has fiduciary duties for the organization to run program (sic) a certain way and spend dollars a certain way.” *Id.* 193:16-19 (Walls). Ultimately, the failure of the budget “was not a good thing for the board ... working together.” *Id.* 193:13-14. “[I]t caused some dissension from the board itself. And when that gets out into the public, it also is not good for people that support us and work with us to know that there is such dissension ... especially when it has to do with money.” *Id.* 194:1-6.

Brown’s questionable decision-making impacted other aspects of Union governance as well. Brown unilaterally awarded the Union staff substantial additional holiday time, which created a financial liability for the Union, and did so without seeking or receiving Board approval. *See* Aug. 8 Tr. 228:14-16. While Walls specifically praised Brown’s decision to include certain holidays in that group (*e.g.*, Juneteenth, *see id.* 227:7-11), she criticized his inclusion of numerous additional days as “outlandish and unnecessary,” *id.* 228:2-3, because “12 additional holidays ... could organizationally cost [the Union] a lot of money.” *Id.* 227:20-22.¹⁵ Specifically, “days off are days that our staff isn’t doing work and that we have to pay out.” *Id.*

¹⁴ Monica Rodriguez testified for Brown that everyone was allowed to speak at this meeting. *See* Sept. 7 Tr. 672:13-22. However, this testimony is not inconsistent with Walls’s recollection. Walls testified that Brown had opened the forum early to rank-and-file members, but by the time the Board members convened to ask questions the discussion already had essentially run its course and Brown did not entertain further discussion the Board attempted to engage in. *See* Aug. 8 Tr. 190:9-19 (Walls).

¹⁵ Although there was no evidence of the precise size of the Union staff, it is relevant to note that Local 1000 is the largest public-sector union in the state of California. *See* Aug. 31 Tr. 485:15-16 (Brown).

228:6-7. This was significant because “[the Union is] still an employer and need[s] to make good financial decisions.” *Id.* 227:18-20. This decision was made all the more questionable given Brown’s self-interested motive for the decision: simply to “promote [his] relationship with the staff.” Oct. 28 Tr. 766:10-11 (Brown).

Brown engaged in a wide range of conduct that unquestionably interfered with the Union’s functioning, which, at a minimum, constituted “[i]ntentional disrupting the (sic) orderly conduct of an official meeting (Policy File 9.0.01 1.(j))” and “[b]ehavior which is determined by the hearing panel or officer to be of such a nature that it causes discredit to Local 1000 (*id.* 9.0.01 1.(k)).” On this basis alone, the charges should be sustained and sanctions should be recommended.

B. Brown’s Inappropriate Treatment of Members and Staff.

Brown’s problematic conduct did not stop at bad governance. As Brown himself established, he “[went] to war with his enemies.” Walls Exh. U at 12. And indeed, he seemed to have many. The videos of Brown’s conduct were a representative glimpse of his treatment of others. *See supra* at 6-7. From his generally erratic and bullying tone to specific remarks that would reasonably have been taken as threatening and harassing, Brown’s interactions with members reflected his self-professed war-time mentality. Walls testified that she tried to watch all of Brown’s videos (*see* Aug. 8 Tr. 279:11-14)—even those produced after his suspension (because “[she] need[s] to know what [Brown is] saying,” Aug. 8 Tr. 279:18-19)—and that based on her personal observations, Brown’s conduct in the Guss videos was “very typical” of Brown’s interactions with others, especially those with whom he disagreed. Aug. 8 Tr. 209:4-13. Brown’s own witness, Youlanda Williams, said that Brown “got at them” at times, referring to Brown’s treatment of members at his regular discussion sessions. Oct. 28 Tr. 822:1.

The evidence regarding Brown's treatment of Union staff was not much better. Another of Brown's witnesses, Jack Dean, stated that Brown's demeanor with Union staff was good "until [he] got backed into a corner, which happened quite often." Oct. 28 Tr. 840:17-18. And Dean also established that Brown's treatment of Union staff had gone as far as provoking a protest by staff members against Brown himself. *See* Oct. 28 Tr. 859:9-17.¹⁶

Brown's poor treatment of members and staff created significant internal and external strife. Walls testified that "every single one" of Brown's videos published on Facebook Live were available to the public. Aug. 8 Tr. 194:15-20. Brown himself established, through questioning of one of his witnesses, that "every *board* meeting that [he] did was up on Facebook." Oct. 28 Tr. 876:3-8 (K. Dean) (emphasis added). Walls further testified that she had "many conversations with many people, both – you know, not only our members but our non-members, people at state counsel, other unions who do work with us or did work with us as well as other leaders in the community, not necessarily union. And more than not people were concerned with the well-being of the organization with Richard as the leader." *Id.* 209:23 – 210:4.

Unquestionably, therefore, Brown's conduct constituted "behavior which ... causes discredit to Local 1000." Policy File 9.0.01 1.(k). It also violated the mandate that stewards, like Brown, must "create[e] and maintain[] positive relationships among members, stewards and Local 1000 staff through effective listening, communication and action." Policy File 6.0.03. All of this was self-evidently bad for the Union's public reputation and internal harmony, and

¹⁶ To the extent Brown called witnesses to testify that they had not personally seen Brown be "aggressive" with or "abuse" staff members (Oct. 28 Tr. 817:16-22 (Williams); *see also id.* 839:25 – 840:2 (J. Dean)), this testimony was starkly refuted by Brown's own words directed at staff members, as shown in the videos and exhibits.

hindered and impeded the Union's ability to effectively serve its members.

C. Brown's Unauthorized Occupation of the Union Offices.

Brown's problematic and sanctionable conduct came to a head during the unauthorized occupation of the Union offices from March 5-10, 2022, by Brown and his supporters. The occupation itself was a blatant violation of the terms of his suspension, as well as various provisions of the Policy File. But more fundamentally, it is a perfect example of Brown's critical shortcoming: his inability to put the interests of the Union above his own impulses.

The parties already briefed the issue of the validity of Brown's suspension,¹⁷ and the NHO has already ruled the suspension was valid. *See* NHO Order No. 11 at 13. Thus, since February 27, Brown has been—and remains to this day—suspended from office and stripped of his authority as President of the Union. *See also* Walls Exh. S (Ruling granting the Union's Application for a preliminary injunction against Brown and prohibiting Brown from acting or holding himself out as President).

Although Brown tried to minimize his actions during the March 5-10 occupation, it is undisputed that Brown and his supporters were present at the Union offices during that time, after Brown's suspension had begun. It is equally clear that Brown was far more than a passive observer. March 5 was significant because there was a Board meeting scheduled that day, *see* Sept. 7 Tr. 541:14-17 (Stahl), which Brown had defiantly ordered Board members to not attend in a memorandum he issued just two days earlier. *See* Walls Exh. L at 2, ¶¶ 6-7. One of Brown's witnesses, Darrin Stahl, acknowledged that a "picket" had been organized on March 5 in response to "the actions that [they] were hearing were going to take place that day." Sept. 7 Tr. 574:18-19. And the demonstration was organized by Ebie Lynch, a close ally of Brown's

¹⁷ Anica Walls incorporates these pleadings by reference.

and one of his advisors during these proceedings.¹⁸ Therefore, it is a fair inference—at least—to conclude that Brown supported the action, and that by showing up at the Union and taking five days to finally leave, never once instructing anyone else to leave, *see* Oct. 28 Tr. 784:11-17, he in fact ratified the actions of his supporters.

Brown’s efforts to downplay the impact of the occupation fell equally flat. Brown called Darrin Stahl to testify that people could come and go from the building as they pleased, *see* Sept. 7 Tr. 542:21-23, and that to the best of his knowledge there was no attempt by anyone to “control” the Union offices during that time. *Id.* 554:11-15.¹⁹ However, Jack Dean, another of Brown’s witnesses, was clear that from March 5-10, 2022, the building was “occupied by members” who had shown up to protest, Oct. 28 Tr. 854:25, which they accomplished, in part, by putting chains on the front doors, *see id.* 848:10-13, and then letting people into the building by temporarily removing those chains. *See id.* 848:16-17. Indeed, a picture from March 5 clearly shows an individual sitting outside the entrance to the building (*see* Walls Exh. J at 10), which is not normally what happens at the entrance. *See* Sept. 7 Tr. 583:8-11 (Stahl). This was consistent with Union General Counsel Anne Giese’s declaration under oath that the Union building was locked and access at that time was “by permission only.” Walls Exh. L at 3, ¶7.

Walls heard from others that Brown had threatened to change the locks at the Union offices after his suspension went into effect and he was locked out of the building. *See* Aug. 8 Tr. 214:14-19 (Walls). Brown himself testified that he “had to adjust things so [he] could have access to the building,” by which he meant he had to change the locks because his keycard had been deactivated. Oct. 28 Tr. 789:8-20 (Brown). Brown also testified about an alleged “security

¹⁸ Indeed, Lynch “ran inside the door and sat down” as soon as facilities personnel opened the door on March 5. Oct. 28 Tr. 847:22-23 (J. Dean); *see also* Oct. 28 Tr. 876:20-25 (K. Dean).

¹⁹ Stahl acknowledged during his testimony that he was unable to speak to “any” of the Board members regarding the event. Sept. 7 Tr. 556:20-22.

agreement” he had reached with Anne Giese, by which she agreed to inform the membership that everything was ok in exchange for Brown “mak[ing] sure the building was secured and that the staff could still come to work that following Monday,” *id.* 798:1-3—a condition that would be wholly unnecessary unless the status quo (i.e. a secured building that could be accessed by permission only) had been upended, as it clearly had been. And Walls testified that on the final day of the occupation, the Fire Marshal was called to remove chains from the doors and open up the building. Indeed, the concern for Brown’s actions inside the offices was acute enough to prompt Union staff to escort Brown as he cleared out of the building to ensure Brown “[wasn’t] going into places [he] shouldn’t be [in].” Aug. 8 Tr. 288:3-11.

Because of the occupation by Brown and his supporters, Union business “was interrupted completely” (Aug. 8 Tr. 225:22-23 (Walls)); staff members were kept away for safety reasons (*see id.* 225:7-10); Union reps “weren’t able to do their jobs as they normally do” (*id.* 225:16-18); and mail collection “had to be deferred or sent elsewhere” (*id.* 225:20-21). The occupation also prompted media reports about the dispute over leadership of the Union (*see* Sept. 7 Tr. 547:9-12 (Stahl), and there was “a lot of ... stuff on social media” about the event. Oct. 28 Tr. 849:3-4 (J. Dean). Brown acknowledged that he himself was interviewed by television media, *see* Oct. 28 Tr. 760:18-21, and pictures of Brown loading a container of items into a car were published in a Sacramento Bee article chronicling the event. *See* Sept. 7 Tr. 582:2-15 (Stahl). Brown also filed a public police complaint alleging that he had been locked out improperly. *See* Oct. 28 Tr. 761:13-15. This all contributed to public fallout from the incident, which Walls had first-hand knowledge of, from which the Union is still trying to recover. *See* Aug. 8 Tr. 225:2-11.

If nothing else, Brown’s blatant and brazen defiance of his suspension from office and his

participation in an unauthorized occupation of the Union offices—for *five days*—checks all of the boxes in the charging document here and warrants sanctions, not the least of which are “[g]ross neglect of duty by a member holding an elected or appointed office or any other position in Local 1000 (Policy File 9.0.01 1.(b))” and “behavior which ... causes discredit to Local 1000 (*id.* 9.0.01 1.(k)).”

PROPOSED REMEDY

Brown failed to follow procedure with respect to Local 1000 Board meetings; he spoke to members and staff in harsh, rude, and even threatening language—often times in a public forum; he silenced opposition through authoritarian tactics like attempting to suspend the membership of the three Vice Presidents and suspending the Union’s longtime legal counsel; and he flagrantly disregarded his own suspension—which *was* proper pursuant to the Union’s Policy File—and participated in a five-day occupation of the Union’s offices that stoked unrest within the Union and brought public shame and disrepute. Through testimony and other evidence, Anica Walls has substantiated her charges and demonstrated clearly how Brown’s misdeeds were in violation of the relevant sections of the Policy File.

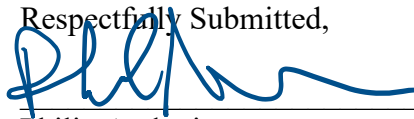
After sustaining the charges, the NHO must recommend a disposition to this matter. Anica Walls respectfully requests that the NHO recommend that Richard Brown be “[r]eprimand[ed]” and “[r]emov[ed] from office or any other position held in the union,” Policy File 9.0.05(j)(3), (4), including his position as a Union steward. To be clear, Walls is not seeking revocation of Brown’s union membership (although the NHO has the power to recommend this sanction (*see id.* 9.0.05(j)(5))). Walls simply seeks a remedy that is sufficient to ensure that the Union’s public image and efficient functioning are restored, and that Brown is prevented from inflicting further harm from a leadership position.

Conclusion

For the foregoing reasons, Anica Walls respectfully asks the NHO to sustain the charges and recommend the proposed remedy.

Date: December 5, 2022

Respectfully Submitted,



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Counsel for Charging Party Anica Walls

<p>1 SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE 2 LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE 3 --oOo-- 4 IN THE MATTER OF THE) PROCEEDING BETWEEN) 5) MICHAEL GUSS, DISTRICT LABOR) 6 COUNCIL 794, ANICA WALLS,) VICE PRESIDENT FOR) 7 ORGANIZING AND) Amended Internal Dispute REPRESENTATION, SERVICE) 22-02-HR1 8 EMPLOYEES INTERNATIONAL) UNION ("SEIU"), LOCAL 1000,) Internal Dispute 9 SEIU,) 22-03-HR1)) 10 Charging Parties,) NHO FILE NO.:) 220316-BROW 11 -AND-))) 12 RICHARD LOUIS BROWN,) PRESIDENT (SUSPENDED),) 13 SERVICE EMPLOYEES) INTERNATIONAL UNION) 14 ("SEIU"), LOCAL 1000, SEIU,))) 15 Charged Party.))) 16 RE: Disciplinary Charges))) 17) 18 --oOo-- 19 REPORTER'S TRANSCRIPT OF PROCEEDINGS 20 DAY 1 21 --oOo-- 22 Tuesday, April 19, 2022 23) 24) 25 22-127 Reported By: EMILY SAMELSON, CSR 14043</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES CONT'D 2 (All parties appearing remotely) 3 4 For the Charged Party Brown: 5 IVIE MCNEILL WYATT PURCELL & DIGGS 6 BY: RODNEY S. DIGGS, ESQ. KAEELIN S. DAVIS, ESQ. 7 TYRINE S. AMAN, ESQ. 444 South Flower Street, 18th Floor Los Angeles, California 90071 213.489.0028 8 rdiggs@imwlaw.com kdavis@imwlaw.com 9 taman@imwlaw.com 10 11 12 Also Present: Betty Grdina, Neutral Case Adviser Lisa Mattson, Zoom Host 13 14 15 --oOo-- 16 17 18 19 20 21 22 23 24 25</p>																																
<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES 2 (All parties appearing remotely) 3 4 The Neutral Hearing Officer: 5 LA RUE DISPUTE RESOLUTION SERVICES 6 BY: HOMER C. LA RUE 5305 Village Center Drive, Suite 339 Columbia, Maryland 21044 301.332.9227 7 homer@laruedisputeresolution.com 8 9 For the Charging Party Walls: 10 CALEBANDONIAN PLLC BY: PHILIP ANDONIAN, ESQ. 11 1100 H Street, N.W., Suite 315 Washington, D.C. 20005 202.953.9850 12 phil@calebandonian.com 13 14 For the Charging Party Guss: 15 IN PROPRIA PERSONA 16 BY: MICHAEL GUSS 775.741.5117 17 michaelguss.nv@gmail.com 18 19 /// 20 21 22 /// 23 24 25 ///</p>	<p style="text-align: right;">Page 4</p> <p>1 CHRONOLOGICAL INDEX 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td>Preliminary Investigation</td> <td style="text-align: right;">9</td> </tr> <tr> <td>Opening Statement by Mr. Guss</td> <td style="text-align: right;">44</td> </tr> <tr> <td>Opening Statement by Ms. Davis</td> <td style="text-align: right;">47</td> </tr> <tr> <td colspan="2">WITNESSES:</td> </tr> <tr> <td>VINCENT GREEN (for Charging Party Guss)</td> <td></td> </tr> <tr> <td>DIRECT EXAMINATION BY MR. GUSS</td> <td style="text-align: right;">53</td> </tr> <tr> <td>CROSS-EXAMINATION BY MR. DIGGS</td> <td style="text-align: right;">61</td> </tr> <tr> <td>REDIRECT EXAMINATION BY MR. GUSS</td> <td style="text-align: right;">64</td> </tr> <tr> <td>RECROSS-EXAMINATION BY MR. DIGGS</td> <td style="text-align: right;">67</td> </tr> <tr> <td>FRANK ASKIN (for Charging Party Guss)</td> <td></td> </tr> <tr> <td>DIRECT EXAMINATION BY MR. GUSS</td> <td style="text-align: right;">71</td> </tr> <tr> <td>CROSS-EXAMINATION BY MR. DIGGS</td> <td style="text-align: right;">78</td> </tr> <tr> <td>REDIRECT EXAMINATION BY MR. GUSS</td> <td style="text-align: right;">79</td> </tr> <tr> <td>CAROLYN ALLUIS (for Charging Party Guss)</td> <td></td> </tr> <tr> <td>DIRECT EXAMINATION BY MR. GUSS</td> <td style="text-align: right;">83</td> </tr> </tbody> </table> <p style="text-align: center;">--oOo--</p>		PAGE	Preliminary Investigation	9	Opening Statement by Mr. Guss	44	Opening Statement by Ms. Davis	47	WITNESSES:		VINCENT GREEN (for Charging Party Guss)		DIRECT EXAMINATION BY MR. GUSS	53	CROSS-EXAMINATION BY MR. DIGGS	61	REDIRECT EXAMINATION BY MR. GUSS	64	RECROSS-EXAMINATION BY MR. DIGGS	67	FRANK ASKIN (for Charging Party Guss)		DIRECT EXAMINATION BY MR. GUSS	71	CROSS-EXAMINATION BY MR. DIGGS	78	REDIRECT EXAMINATION BY MR. GUSS	79	CAROLYN ALLUIS (for Charging Party Guss)		DIRECT EXAMINATION BY MR. GUSS	83
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BE IT REMEMBERED that on Tuesday,

April 19, 2022, commencing at the hour of 10:26 a.m.,

via Zoom videoconference, before me, EMILY SAMELSON, a

Certified Shorthand Reporter of the State of California,

the following proceedings were had.

--oOo--

THE HEARING OFFICER: We are on the record.

My name is Homer La Rue, and I've been designated by

SEIU 1000 as the neutral hearing officer to hear the

matter of Guss, et al., versus Brown.

In a moment I'm going to allow all the

clients -- your clients in and we'll begin the

preliminary investigation.

Are there any questions before I permit the

clients into the hearing?

Ms. Grdina, should Ms. Davis be in here?

MS. GRDINA: She is. She's right there.

THE HEARING OFFICER: Oh, there you are.

I'm sorry. I'm looking straight at you and I saw it.

Okay. Then I'm going to admit.

As we indicated last night, this part of the

proceeding will be only open to counsel and charging

parties and the charged party.

I notice there are persons in the waiting room

whom I assume are witnesses. They will not be admitted

<p>1 at this time.</p> <p>2 Okay. Lisa, could you admit the charged party</p> <p>3 and the charging parties?</p> <p>4 MS. DAVIS: I think she's in the waiting room.</p> <p>5 But Ms. Tyrine Aman, she's counsel.</p> <p>6 THE HEARING OFFICER: Oh, she is?</p> <p>7 MS. DAVIS: Yes.</p> <p>8 MS. GRDINA: Oh. We had her on as a witness.</p> <p>9 MS. DAVIS: Oh, no. She's an associate with</p> <p>10 our office.</p> <p>11 THE HEARING OFFICER: Okay. Lisa, would you</p> <p>12 admit -- her name is Manz [sic]?</p> <p>13 MS. GRDINA: Tyrine Aman.</p> <p>14 MS. DAVIS: Correct.</p> <p>15 THE HEARING OFFICER: Tyrine Aman.</p> <p>16 All right. I think we have all counsel and</p> <p>17 clients in the hearing now.</p> <p>18 Counsel, do you see everyone who should be</p> <p>19 here?</p> <p>20 Very well. All right. My name is Homer</p> <p>21 La Rue. I'm the neutral hearing officer for the matter</p> <p>22 of Michael Guss, et al., versus Richard Louis Brown,</p> <p>23 Amended Internal Dispute Number 22-02-HR1, and Internal</p> <p>24 Dispute Number 22-03-HR1, NHO File Number 220316-BROW.</p> <p>25 In a moment -- and I also want to ask</p>	<p>Page 9</p>	<p>1 open unless the charged party asks it to be closed.</p> <p>2 Last night, the charged party asked that the hearing be</p> <p>3 closed.</p> <p>4 So this is putting on the record that</p> <p>5 Mr. Brown asked twice, and there was a recess to discuss</p> <p>6 this with counsel, and the declaration was to have the</p> <p>7 hearing closed. The hearing is declared closed from</p> <p>8 here on out during these proceedings.</p> <p>9 One of the things that I would like to work on</p> <p>10 initially is to get some clarification with regard to</p> <p>11 the issues that are in dispute and that the charging</p> <p>12 parties are seeking to have me resolve.</p> <p>13 I think that I can do something before that,</p> <p>14 and that's take care of the exhibits, if there's no</p> <p>15 objection to moving to that issue first.</p> <p>16 First of all, the charging documents are</p> <p>17 received as hearing officer documents; that is, the</p> <p>18 charge by Wells -- Walls, I'm sorry -- and by Guss, and</p> <p>19 the charging document are the response to the charge by</p> <p>20 Mr. Brown.</p> <p>21 Charge documents -- Guss's charge document is</p> <p>22 marked as Hearing Officer Exhibit A.</p> <p>23 Walls's charge is marked as Hearing Officer</p> <p>24 Exhibit B, as in boy.</p> <p>25 And the response to the charge is marked as</p>
<p>1 NCA Grdina to introduce herself.</p> <p>2 MS. GRDINA: Hello. My name is Betty Grdina.</p> <p>3 I'm the neutral case adviser.</p> <p>4 And I would also like to introduce you to the</p> <p>5 court reporter, Emily Samelson.</p> <p>6 THE HEARING OFFICER: All matters will be on</p> <p>7 the record. If anyone needs to go off the record,</p> <p>8 please make that request to me. I will convey it to</p> <p>9 the court reporter.</p> <p>10 MS. GRDINA: One other point for the record</p> <p>11 is that SEIU Local 1000 is showing on the screen. The</p> <p>12 IT person for Local 1000 who is handling this is Lisa</p> <p>13 Mattson.</p> <p>14 THE HEARING OFFICER: Okay. Are there any</p> <p>15 questions thus far?</p> <p>16 Very well. Let's get underway, then.</p> <p>17 A couple of stipulations -- or one</p> <p>18 memorialization before we get started.</p> <p>19 There was a prehearing conference yesterday</p> <p>20 with all counsel and parties who are present here today.</p> <p>21 At that point we arrived at some agreements as to how we</p> <p>22 were going to proceed.</p> <p>23 I won't go through all of those details, but</p> <p>24 I do note one matter that ought to be on the record.</p> <p>25 According to the SEIU file, this hearing is</p>	<p>Page 10</p>	<p>1 Hearing Officer Exhibit C, as in Charlie.</p> <p>2 (Hearing Officer Exhibits A-C marked for</p> <p>3 identification.)</p> <p>4 THE HEARING OFFICER: Ms. Walls, I note that</p> <p>5 you have a device in front of you. Are you recording</p> <p>6 anything with regard to this hearing?</p> <p>7 Very well. Thank you.</p> <p>8 MR. ANDONIAN: Mr. La Rue, I'm sorry to</p> <p>9 interrupt. Along those lines, I would ask that</p> <p>10 Mr. Brown turn his camera on so that we can see what</p> <p>11 he's doing as well.</p> <p>12 THE HEARING OFFICER: Mr. Brown, thank you.</p> <p>13 I would ask that from here on out, if you're</p> <p>14 in the hearing room, keep your camera on during the</p> <p>15 proceedings unless I recess the matter.</p> <p>16 MR. BROWN: Okay. I have a quick question.</p> <p>17 THE HEARING OFFICER: Yes, Mr. Brown.</p> <p>18 MR. BROWN: Okay. I thought this was closed.</p> <p>19 And then I see Lisa Mattson.</p> <p>20 THE HEARING OFFICER: Mr. Brown, that has been</p> <p>21 explained. She is the one who is operating the Zoom</p> <p>22 platform.</p> <p>23 Any other questions?</p> <p>24 All right. Let's move to the exhibits that</p> <p>25 have been proffered.</p>

<p>1 All right. Let's start with Guss's exhibits. 2 They are marked from A to H. Everyone should have had 3 access to the exhibits. 4 Are there any objections to Exhibit A? 5 Marked for identification. 6 (Guss Exhibit A marked for 7 identification.) 8 THE HEARING OFFICER: Exhibit B, Guss 9 Exhibit B. 10 Received in evidence. 11 (Guss Exhibit B admitted into evidence.) 12 THE HEARING OFFICER: Guss Exhibit C, as 13 in Charlie. 14 Received in evidence. 15 (Guss Exhibit C admitted into evidence.) 16 THE HEARING OFFICER: Guss Exhibit D, as in 17 dog. 18 Marked for identification. 19 (Guss Exhibit D marked for 20 identification.) 21 THE HEARING OFFICER: Guss Exhibit E, as in 22 Edward. 23 Marked for identification. 24 (Guss Exhibit E marked for 25 identification.)</p>	<p>Page 13</p>	<p>1 for identification are admitted into the record at this 2 time. 3 Going to charging party Walls's exhibits. 4 Walls Exhibit A. 5 Marked for identification. 6 (Walls Exhibit A marked for 7 identification.) 8 THE HEARING OFFICER: Exhibit B. 9 Marked for identification. 10 (Walls Exhibit B marked for 11 identification.) 12 THE HEARING OFFICER: Exhibit C, as in 13 Charlie. 14 Marked for identification. 15 (Walls Exhibit C marked for 16 identification.) 17 THE HEARING OFFICER: Exhibit D, as in dog. 18 Marked for identification. 19 (Walls Exhibit D marked for 20 identification.) 21 THE HEARING OFFICER: Exhibit E, as in Edward, 22 E-1 to E-11. 23 Marked for identification. 24 (Walls Exhibit E-1 to E-11 marked for 25 identification.)</p>	<p>Page 15</p>
<p>1 THE HEARING OFFICER: Guss Exhibit G, as in 2 George. 3 Mr. Diggs, you'll have to -- 4 MR. DIGGS: Oh, it allows me -- I did not see 5 an Exhibit G. I saw an A, B, C, D, E, F, and then it 6 skipped to H in the Dropbox. 7 THE HEARING OFFICER: The MP4 recording 8 meeting on 4/18/2022 was received by us, I think, this 9 morning. 10 MS. GRDINA: Right. 11 THE HEARING OFFICER: This morning. You do 12 not have a copy of it? 13 MR. DIGGS: If it's the one that Mr. Guss sent 14 this morning regarding the hearing last night, I do 15 object to that one as well. 16 THE HEARING OFFICER: Very well. G is marked 17 for identification. 18 (Guss Exhibit G marked for 19 identification.) 20 THE HEARING OFFICER: Guss Exhibit H, as in 21 Henry. 22 Marked for identification. 23 (Guss Exhibit H marked for 24 identification.) 25 THE HEARING OFFICER: All documents not marked</p>	<p>Page 14</p>	<p>1 THE HEARING OFFICER: Walls Exhibit F, as in 2 Frank. 3 Marked for identification. 4 (Walls Exhibit F marked for 5 identification.) 6 THE HEARING OFFICER: Walls Exhibit G, as in 7 George. 8 Marked for identification. 9 (Walls Exhibit G marked for 10 identification.) 11 THE HEARING OFFICER: Walls Exhibit H, as in 12 Henry. 13 Marked for identification. 14 (Walls Exhibit H marked for 15 identification.) 16 THE HEARING OFFICER: Walls Exhibit I, as in 17 ink. 18 Marked for identification. 19 (Walls Exhibit I marked for 20 identification.) 21 THE HEARING OFFICER: Exhibit J. 22 Marked for identification. 23 (Walls Exhibit J marked for 24 identification.) 25 THE HEARING OFFICER: Exhibit K.</p>	<p>Page 16</p>

<p>Page 17</p> <p>1 Marked for identification. 2 (Walls Exhibit K marked for 3 identification.) 4 THE HEARING OFFICER: Exhibit L. 5 Marked for identification. 6 (Walls Exhibit L marked for 7 identification.) 8 THE HEARING OFFICER: Exhibit M, as in Mary. 9 Marked for identification. 10 (Walls Exhibit M marked for 11 identification.) 12 THE HEARING OFFICER: Exhibit N, as in Nancy. 13 Marked for identification. 14 (Walls Exhibit N marked for 15 identification.) 16 THE HEARING OFFICER: Exhibit O, as in Oscar. 17 Marked for identification. 18 (Walls Exhibit O marked for 19 identification.) 20 THE HEARING OFFICER: Exhibit P, as in Peter. 21 Marked for identification. 22 (Walls Exhibit P marked for 23 identification.) 24 THE HEARING OFFICER: Exhibit Q, as in queen. 25 Marked for identification.</p>	<p>Page 19</p> <p>1 identification.) 2 THE HEARING OFFICER: Exhibit B, as in boy. 3 Marked for identification. 4 (Brown Exhibit B marked for 5 identification.) 6 THE HEARING OFFICER: Exhibit C, as in 7 Charlie. 8 Marked for identification. 9 (Brown Exhibit C marked for 10 identification.) 11 THE HEARING OFFICER: Exhibit D, as in dog. 12 Received in evidence. 13 (Brown Exhibit D admitted into evidence.) 14 THE HEARING OFFICER: Exhibit E, as in Edward. 15 Received in evidence. 16 MR. ANDONIAN: Mr. La Rue. 17 THE HEARING OFFICER: I'm sorry. 18 MR. ANDONIAN: I'm sorry. I don't mean to cut 19 in on this part of the process. I have an objection to 20 E only inasmuch as it's not a complete document. I 21 otherwise do not object to it. 22 THE HEARING OFFICER: All right. We'll mark 23 it for identification and we'll deal with that issue as 24 it's presented. 25 (Brown Exhibit E marked for</p>
<p>Page 18</p> <p>1 (Walls Exhibit Q marked for 2 identification.) 3 THE HEARING OFFICER: Exhibit R, as in 4 Richard. 5 Marked for identification. 6 (Walls Exhibit R marked for 7 identification.) 8 THE HEARING OFFICER: Exhibit S, as in Sally. 9 Marked for identification. 10 (Walls Exhibit S marked for 11 identification.) 12 THE HEARING OFFICER: Exhibit T, as in tango, 13 T-1 through T-52. 14 Marked for identification. 15 (Walls Exhibit T-1 to T-52 marked for 16 identification.) 17 THE HEARING OFFICER: U, as in uncle. 18 Marked for identification. 19 (Walls Exhibit U marked for 20 identification.) 21 THE HEARING OFFICER: Moving to Brown 22 exhibits, the charged party's exhibits. 23 Exhibit A. 24 Marked for identification. 25 (Brown Exhibit A marked for</p>	<p>Page 20</p> <p>1 identification.) 2 THE HEARING OFFICER: Exhibit F, as in Frank. 3 Marked in evidence. 4 (Brown Exhibit F admitted into evidence.) 5 THE HEARING OFFICER: G, as in George. 6 Marked in evidence. 7 (Brown Exhibit G admitted into evidence.) 8 THE HEARING OFFICER: H, as in Henry. 9 Marked in evidence. 10 (Brown Exhibit H admitted into evidence.) 11 THE HEARING OFFICER: I, as in Indian. 12 Marked in evidence. 13 (Brown Exhibit I admitted into evidence.) 14 THE HEARING OFFICER: J. 15 Marked in evidence. 16 (Brown Exhibit J admitted into evidence.) 17 THE HEARING OFFICER: K. 18 Marked for identification. 19 (Brown Exhibit K marked for 20 identification.) 21 THE HEARING OFFICER: L. 22 MR. GUSS: I object. 23 THE HEARING OFFICER: Marked for 24 identification. 25 (Brown Exhibit L marked for</p>

<p>1 identification.)</p> <p>2 THE HEARING OFFICER: M, as in Mary.</p> <p>3 Marked in evidence.</p> <p>4 MR. ANDONIAN: Sorry, Mr. La Rue. I'm</p> <p>5 objecting to M as well.</p> <p>6 THE HEARING OFFICER: Okay. Sorry I missed</p> <p>7 it. M, correction, marked for identification.</p> <p>8 (Brown Exhibit M marked for</p> <p>9 identification.)</p> <p>10 MS. GRDINA: L and M were both objected to.</p> <p>11 THE HEARING OFFICER: Yeah.</p> <p>12 Okay. We'll now move to the preliminary</p> <p>13 investigation. This involves a few of the charging</p> <p>14 documents as well as the response. And what would be</p> <p>15 helpful to the hearing officer is if the parties could</p> <p>16 formulate the issues -- and there may be a number of</p> <p>17 them -- if you could formulate the issues in a succinct</p> <p>18 sentence, a couple of sentences, whatever number, that</p> <p>19 if I use the analogy of a just cause hearing in</p> <p>20 employment, there would be an allegation that the</p> <p>21 charged party violated X, Y, or Z of a policy or rule,</p> <p>22 and the question would then be whether -- first</p> <p>23 instance, whether the charged party did, in fact, do</p> <p>24 that, and we needn't deal with the recommendation</p> <p>25 portion yet. So that's the discussion that I'm putting</p>	<p>Page 21</p> <p>1 MR. DIGGS: Understood.</p> <p>2 THE HEARING OFFICER: All right. So for the</p> <p>3 benefit of the charged party, Mr. Andonian, would you</p> <p>4 like to make a statement with regard to what the nature</p> <p>5 of the charge on behalf of Ms. Walls is?</p> <p>6 And then, Mr. Guss, I'll ask you to do the</p> <p>7 same thing.</p> <p>8 MR. ANDONIAN: Yes. Thank you, Mr. La Rue.</p> <p>9 This is actually, from our perspective, a</p> <p>10 fairly straightforward and streamlined case, or it</p> <p>11 should be, at least from Ms. Walls's perspective.</p> <p>12 Broadly speaking, Ms. Walls has alleged a</p> <p>13 number of improprieties in Mr. Brown's conduct while he</p> <p>14 was the unsuspended president of Local 1000, including</p> <p>15 stymying board meetings, talking threateningly,</p> <p>16 disrespectfully, abusively to staff and other board</p> <p>17 members, potentially scuttling the '22 budget for</p> <p>18 the union, and attempting to illegally suspend from</p> <p>19 membership Ms. Walls and the other two vice presidents</p> <p>20 of the union.</p> <p>21 All of that led to a lawfully and duly</p> <p>22 executed summary suspension of Mr. Brown's office of</p> <p>23 president, which, Mr. La Rue, you noted in order number</p> <p>24 three, I believe, which has also been ordered by the</p> <p>25 Sacramento Supreme Court -- sorry -- Superior Court.</p>
<p>Page 22</p> <p>1 on the floor for us to have during the preliminary</p> <p>2 investigation.</p> <p>3 What I would like to do is have both parties,</p> <p>4 have Mr. Guss, Ms. Walls, and Mr. Brown, their</p> <p>5 representatives make a statement as to what they think</p> <p>6 the issues are, and then I would like to recess and</p> <p>7 allow counsel to meet with one another. Obviously,</p> <p>8 you'll have to do it over the phone to see if you can</p> <p>9 formulate the issues.</p> <p>10 And remember, the formulation of an issue is</p> <p>11 not a concession one way or another. It's simply</p> <p>12 formulating the issue in a way that permits the hearing</p> <p>13 officer to focus on what evidence is needed to prove the</p> <p>14 validity of the charges or what evidence is lacking and,</p> <p>15 therefore, the charge isn't proven.</p> <p>16 Any questions about how I want to proceed at</p> <p>17 this point?</p> <p>18 MR. DIGGS: The only question that I have,</p> <p>19 Mr. La Rue, is to confirm that the issues as being</p> <p>20 described by Mr. Guss and Ms. Walls would be those that</p> <p>21 are identified within the charging documents themselves.</p> <p>22 THE HEARING OFFICER: Yes. That's all I have.</p> <p>23 MR. DIGGS: Right.</p> <p>24 THE HEARING OFFICER: That's the basis of my</p> <p>25 investigation.</p>	<p>Page 24</p> <p>1 And from that point forward, everything</p> <p>2 Mr. Brown did that Ms. Walls alleges in the complaint</p> <p>3 was simply outside the scope of his -- his non-duties as</p> <p>4 a suspended officer of the union.</p> <p>5 Most egregiously, that includes the March 5th</p> <p>6 hostile invasion of the union headquarters in which</p> <p>7 Mr. Brown and his supporters forcefully entered the</p> <p>8 building despite having their key card access cut off</p> <p>9 after the suspension, drilling locks out and other</p> <p>10 damaging property damage inside the building, taking</p> <p>11 files that didn't belong to him, prohibiting other board</p> <p>12 members from entering. And that went on for a few days.</p> <p>13 Simply put, this is simply a matter of</p> <p>14 corporate governance, and it's our view that Ms. Walls</p> <p>15 and the other vice presidents properly suspended</p> <p>16 Mr. Brown and then charged him, which is what we have</p> <p>17 here today, and we seek to establish those facts.</p> <p>18 I would hazard a guess, Mr. La Rue, that</p> <p>19 there's a lot of facts that aren't really in dispute.</p> <p>20 I doubt Mr. Brown disputes that he was at the union</p> <p>21 headquarters on March 5th and for the few days</p> <p>22 thereafter. There's pictures and video of him there.</p> <p>23 My suspicion is that he has a different interpretation</p> <p>24 of his ability and the lawfulness of his presence, and</p> <p>25 that's fine.</p>

<p>1 In the same way, I don't think there's any 2 dispute that Mr. Brown sent letters to Ms. Walls and the 3 other two vice presidents on February 25th purporting to 4 suspend their membership from the union. 5 I think we would just have a much different 6 argument as to the validity of that attempted action, 7 but the facts are not in dispute. 8 Likewise, I don't understand there to be 9 really a dispute that, on February 27th, Ms. Walls and 10 the other vice presidents sent Mr. Brown a summary 11 suspension notice. 12 There is, I'm sure, a dispute about whether 13 or not that was valid, and that really comes down to 14 argument about the effect of the different provisions 15 of the SEIU governing documents, the law in the state 16 of California, and simply the arguments as to the 17 characterization of events and of people's statuses as 18 office holders or not. 19 So from our perspective, this -- and I'll note 20 the reason why I offered into evidence all of the 21 exhibits that I did, which is essentially the case file 22 from Superior Court, is not to inundate the hearing 23 officer or not to sandbag anybody, because, in fact, 24 these are public filings that both sides, Ms. Walls -- 25 I'm sorry -- Mr. Hall back east and Mr. Brown, through</p>	<p>Page 25</p>	<p>1 the policy file or not. 2 That's all I have to say. 3 THE HEARING OFFICER: Thank you, Mr. Guss. 4 Who will be making this presentation on behalf 5 of Mr. Brown? 6 MR. DIGGS: In terms of the preliminary 7 investigation, I will do that. But if you want him 8 to respond as to Mr. Guss and Ms. Walls's counsel, 9 Ms. Davis can do that briefly. 10 THE HEARING OFFICER: I'm sorry. I don't 11 understand what you're proposing. 12 MR. DIGGS: You're saying who will respond. 13 You want me to respond as to Ms. Walls and Mr. Guss? 14 THE HEARING OFFICER: Yes. As far as the 15 preliminary investigation and what you see as the 16 defenses to the charge. Remember, I'm determining 17 whether or not there's a factual dispute, and if there 18 is, then trying to formulate the issue, crystallize the 19 issue to make it clearer for everyone, including me, 20 what the hearing is about. 21 MR. DIGGS: Sure. I'll respond. 22 As it relates to Mr. Guss's complaint, there's 23 no objection to the facts that these statements -- 24 they're not verbatim within the four documents -- but 25 that they happened. The interpretation is as to why it</p>	<p>Page 27</p>
<p>1 counsel, participated in. 2 It's just simply that there's a lot of fact 3 and a lot of information that's already out there. And 4 the facts are not disputed. The interpretation of the 5 facts are. And I think we could save an awful lot of 6 time by cutting down to the chase. 7 And I'm happy to talk with counsel and 8 Mr. Brown about that after the preliminary 9 investigation, but that's our position. 10 Thank you. 11 THE HEARING OFFICER: Thank you. 12 Mr. Guss, do you wish to be heard? 13 MR. GUSS: Yes. So from my perspective, it's 14 whether Richard Louis Brown, through engaging in 15 retaliation, harassment, bullying, violated Sections 16 9.002(e) and 9.002(k) of the SEIU Local 1000 policy 17 file; specifically, whether incidents that happened on 18 September 15th, November 17th, and I believe it was 19 December 8th, you know, were in violation of the 20 SEIU Local 1000 policy file. 21 I think -- I would agree with a lot of what 22 Mr. Andonian just said. I think, you know, a lot of 23 facts are not in dispute. There's, you know, video 24 recordings of them. But there's sort of a different 25 interpretation as to whether that was acceptable under</p>	<p>Page 26</p>	<p>1 happened. 2 And also, as it relates to a couple of the 3 dates cited by Mr. Guss, it just lacks foundation from 4 him. He has lack of personal knowledge. 5 But regardless, statements were made, but they 6 don't violate the sections. They're stated incorrectly 7 in the Document 9.02. I believe it should be 8 9.0.01 (e) and (k). There's no 2 (e) and (k). But they 9 don't rise to the level of anything that would hold 10 Mr. Brown to disciplinary action. 11 As it relates to Ms. Walls, again, a lot of 12 the information, what we're going to say is it lacks her 13 personal knowledge, lacks foundation. 14 Mr. Brown, at all times, was acting within the 15 governance and within compliance of the policies and the 16 guidelines and bylaws as president of SEIU Local 1000. 17 And everything that he did, unless he was trying to be 18 sandbagged by other members and/or board of directors, 19 he was doing, you know, what he could. 20 But to go to what -- a lot of facts are not 21 disputed in terms of what occurred, but again, like 22 counsel said, the interpretation as to why certain 23 things were done are in dispute. 24 And whether or not Mr. Brown was able to 25 perfect certain actions pursuant to SEIU Local 100</p>	<p>Page 28</p>

<p>1 bylaws and/or policies – 1000.</p> <p>2 THE HEARING OFFICER: Thank you, Mr. Diggs.</p> <p>3 I thank all counsel for your presentations.</p> <p>4 It seems to me that what I'm hearing from both</p> <p>5 sides is that there are a number of facts that are not</p> <p>6 in dispute with regard to this matter, and the question</p> <p>7 is one of interpretation of those facts not in dispute</p> <p>8 and whether they do, in fact, violate SEIU Local 1000</p> <p>9 policy.</p> <p>10 I think it would be useful here to allow</p> <p>11 counsel – with or without their representatives, that's</p> <p>12 up to you – to discuss what I started off saying.</p> <p>13 Let's figure out what the facts are that can</p> <p>14 be stipulated to and then how do you want to formulate</p> <p>15 the issue for me to determine.</p> <p>16 Under the policy rule, there seems to me to</p> <p>17 be the necessity for a hearing, because there's a</p> <p>18 difference in interpretation, and that's part of my</p> <p>19 investigation. Do the facts, even if they are not in</p> <p>20 dispute, rise to the level of a violation of the</p> <p>21 policies.</p> <p>22 So what I'm going to ask you to do – we're</p> <p>23 going to recess for an hour. I'm going to ask you to</p> <p>24 get together and work out at least the framework for</p> <p>25 the stipulations, factual stipulations, and then frame</p>	<p>Page 29</p>	<p>1 more time?</p> <p>2 THE HEARING OFFICER: One breakout room,</p> <p>3 which would be the joint meeting room, we'll call it;</p> <p>4 a breakout room that would be called charging parties</p> <p>5 breakout room; and then a third one would be charged</p> <p>6 party breakout room.</p> <p>7 And, obviously, this will be off the record.</p> <p>8 So when we do recess, there will be no court reporter</p> <p>9 recording anything that you are talking about, and you</p> <p>10 will have private rooms where – if you need to consult</p> <p>11 with your clients. And, obviously, neither I nor</p> <p>12 Ms. Grdina will be privy to any of these conversations.</p> <p>13 We will be offline.</p> <p>14 Are there any questions about the task ahead?</p> <p>15 All right. I have 11:00 Pacific time. Let's</p> <p>16 plan to come back on into this meeting room in one hour</p> <p>17 15 minutes. That would make it 12:15.</p> <p>18 Are there any questions before we recess?</p> <p>19 All right. Lisa, can you put everybody into</p> <p>20 the joint breakout room?</p> <p>21 MS. MATTSON: Yes.</p> <p>22 THE HEARING OFFICER: And at this point, Court</p> <p>23 Reporter, we're off the record.</p> <p>24 (Break taken, 10:59 a.m. to 12:18 p.m.)</p> <p>25 THE HEARING OFFICER: We are on the record.</p>	<p>Page 31</p>
<p>1 the issues that you think are there based upon the</p> <p>2 stipulations and those facts which may not be stipulated</p> <p>3 to.</p> <p>4 Is everyone clear about what I'm asking you to</p> <p>5 do?</p> <p>6 MR. ANDONIAN: Yes.</p> <p>7 Mr. La Rue, I had a question.</p> <p>8 Would it be possible for you to put us --</p> <p>9 well, I guess I'll leave it to counsel, if they're</p> <p>10 comfortable. But it seems to me a face-to-face would be</p> <p>11 better for this. If we're able to go into a breakout</p> <p>12 room, I would express a preference for that. I'm also</p> <p>13 happy to call.</p> <p>14 MR. GUSS: I would agree with that.</p> <p>15 THE HEARING OFFICER: All right. Lisa, can</p> <p>16 you put counsel and their representatives -- I mean</p> <p>17 their clients into one breakout room? You might want to</p> <p>18 create a breakout room for each of them in case they</p> <p>19 want to caucus during this time that we're recessed as</p> <p>20 well.</p> <p>21 So to be clear, we need one room, which would</p> <p>22 be a meeting room for both parties, a caucus room for</p> <p>23 the charging parties, and a caucus room for the charged</p> <p>24 parties. Three breakout rooms.</p> <p>25 MS. MATTSON: Sorry. Can you repeat that one</p>	<p>Page 30</p>	<p>1 MR. DIGGS: I'll begin, Mr. La Rue.</p> <p>2 So the parties conferred and we've come to an</p> <p>3 agreement, but it will be a request of you. And so we</p> <p>4 think, to streamline a lot of the issues, specifically</p> <p>5 as it deals with the charging party, Ms. Walls and</p> <p>6 Mr. Brown, for you to make a ruling after a briefing</p> <p>7 schedule as to whether or not there's an issue here that</p> <p>8 Mr. Brown suspended the three VPs on February 25th and</p> <p>9 then Mr. Brown himself was summarily suspended on</p> <p>10 February 27th.</p> <p>11 So what we want to do, because that will</p> <p>12 either narrow the issues in the case and get rid of a</p> <p>13 lot of unnecessary testimony, if you can make a ruling</p> <p>14 as to which one controls. So we would want to do a</p> <p>15 briefing schedule on that, because that would help with</p> <p>16 a lot of issues outlined in Ms. Walls's complaint or her</p> <p>17 charging document.</p> <p>18 MR. ANDONIAN: Mr. La Rue, if I could add to</p> <p>19 that, I agree with what Mr. Diggs said.</p> <p>20 And to put a little bit more detail on it, we</p> <p>21 went through the charging document, and I think where we</p> <p>22 landed was that there are three core paragraphs, 4, 5,</p> <p>23 and 6, that, if true -- and I understand there's a</p> <p>24 dispute -- but, if true, would largely focus the case,</p> <p>25 you know, almost dispositively, I would argue, leaving</p>	<p>Page 32</p>

<p>1 not unimportant but peripheral issues that we could take 2 care of in very, very succinct testimony by Ms. Walls, 3 and I think that would be it. So it could cut our list 4 down for sure.</p> <p>5 The only way, however, to get to a finding on 6 the underlying facts alleged in 4, 5, and 6 is we 7 agreed, Mr. Diggs and I, that, first, the kind of 8 predicate, which is whether or not Mr. Brown was, in 9 fact, suspended at the time -- we, obviously, think he 10 was, and he, obviously, thinks he wasn't.</p> <p>11 And so if we can get that issue out of the way 12 one way or another, it ought to really, really 13 streamline the bulk of the charges.</p> <p>14 THE HEARING OFFICER: All right. Mr. Guss, 15 do you want to be heard?</p> <p>16 MR. GUSS: I'm in agreement with that.</p> <p>17 And also just to add, I think that there was 18 agreement between the parties to request of you to have 19 my portion of the case go first. Because I do not 20 anticipate filing a brief on that, so we could still 21 accomplish something today. And I have three witnesses 22 ready to go today. It won't be my complete case, but at 23 least we'll get through part of it.</p> <p>24 MR. ANDONIAN: And that's correct. There's no 25 objection from Ms. Walls on that point, your Honor. We</p>	<p>Page 33</p>	<p>1 MR. DIGGS: I would say Thursday.</p> <p>2 MR. ANDONIAN: Yeah. That makes sense.</p> <p>3 THE HEARING OFFICER: And let's see. That's 4 the 20th.</p> <p>5 MR. DIGGS: 21st.</p> <p>6 MR. ANDONIAN: 21st.</p> <p>7 MS. WALLS: So can I jump in really quick? I 8 had sent Phillip some of my available dates, and 9 Tuesdays and Thursdays from 10:00 to 11:00 are really 10 hard for me to consistently miss. And so if either --</p> <p>11 THE HEARING OFFICER: Well, we're not at that 12 calendaring yet.</p> <p>13 MS. WALLS: Okay. Sorry.</p> <p>14 THE HEARING OFFICER: We're talking about 15 submission of briefs.</p> <p>16 So Mr. Diggs and Mr. Andio- -- I'm sorry.</p> <p>17 MR. ANDONIAN: That's okay. It's Andonian.</p> <p>18 THE HEARING OFFICER: Andonian.</p> <p>19 MR. ANDONIAN: I respond to almost everything.</p> <p>20 THE HEARING OFFICER: So do I.</p> <p>21 Have the two of you agreed on the issue that 22 both of you will be responding to, and can you submit 23 that to me forthwith before you submit your briefs so 24 that I make certain that I have that?</p> <p>25 MR. ANDONIAN: Certainly.</p>	<p>Page 35</p>
<p>1 think that makes sense.</p> <p>2 THE HEARING OFFICER: Mr. Diggs.</p> <p>3 MR. DIGGS: No objection from Mr. Brown in 4 regards to amending the order of schedule.</p> <p>5 THE HEARING OFFICER: All right. So let's 6 talk about -- let's dispose of the briefing question.</p> <p>7 What kind of time are you looking for to 8 submit? And are you talking about simultaneous 9 submissions or one after the other?</p> <p>10 MR. ANDONIAN: I guess -- oh, go ahead.</p> <p>11 MR. DIGGS: Go ahead, counsel. You can go 12 first.</p> <p>13 MR. ANDONIAN: I guess I would say 14 simultaneous filings, typically the way that, you know, 15 situations like this have been done. So I would say 16 that.</p> <p>17 And as far as timing, I think we all were in 18 agreement that, to the extent we will need at least one 19 more day but maybe not more than one more day for the 20 hearing, we could have everything coincide so that we 21 can come back for whatever else we need to do and then 22 have, you know, arguments on the briefs, I guess.</p> <p>23 THE HEARING OFFICER: I'm still a little 24 unclear when you contemplate submitting your briefs on 25 the issues that the two of you have framed.</p>	<p>Page 34</p>	<p>1 What about this? Mr. Diggs, what if I take a 2 crack at, you know, a short paragraph framing the issue, 3 and then I'll send it to you. And then whenever we, 4 you know, kind of whittle it down, we can send it to 5 Mr. La Rue. And then the timeline you proposed for the 6 brief itself works for me, if that still makes sense.</p> <p>7 MR. DIGGS: Yeah, that works for me.</p> <p>8 THE HEARING OFFICER: All right. So I'll get 9 the issue framed on what day?</p> <p>10 MR. ANDONIAN: I think we should be able --</p> <p>11 I don't know. Mr. Diggs, I don't want to eat up your 12 afternoon. I can turn something around to Mr. Diggs as 13 soon as we're done today, probably within a half hour, 14 and it seems like we can get it to you by tonight or 15 tomorrow morning.</p> <p>16 THE HEARING OFFICER: All right. We'll say 17 tomorrow morning.</p> <p>18 MR. DIGGS: That's fine.</p> <p>19 THE HEARING OFFICER: All right. Great.</p> <p>20 So if I'm understanding correctly, the 21 parties, with regard to the Walls case, we are still in 22 a preliminary investigation stage, and that's what the 23 brief on Thursday is, to help me dispose of that.</p> <p>24 MR. ANDONIAN: Yes, sir. I think that's the 25 best way to characterize it. The briefing should then,</p>	<p>Page 36</p>

<p>1 one way or the other, resolve a lot of factual issues 2 that would have been part of our presentation, leaving 3 a very, very discrete set of -- yeah, not unimportant 4 from our case perspective. I know it's different with 5 Mr. Guss -- but, you know, more peripheral issues that 6 we can deal with quickly after that. 7 THE HEARING OFFICER: Okay. With regard to 8 Mr. Guss's charges, there are factual disputes. Do the 9 parties agree, Mr. Diggs? 10 MR. DIGGS: There are factual -- well, yeah. 11 There are factual and interpretive disputes. Correct. 12 THE HEARING OFFICER: Okay. So is there 13 anything else that I need to hear from Mr. Guss or 14 Mr. Diggs with regard to the preliminary investigation 15 of the Guss charge? 16 MR. GUSS: I don't believe so. 17 MR. DIGGS: I don't have anything. 18 THE HEARING OFFICER: All right. I'm going to 19 recess for about ten minutes just to review my notes and 20 make a determination with regard to the preliminary 21 investigation of the Guss charge. 22 Assuming that I rule that there is a need for 23 a hearing, Mr. Guss, you're prepared to call your 24 witnesses? 25 MR. GUSS: Yeah. I'm prepared to call three</p>	<p>Page 37</p>	<p>1 MR. GUSS: Askin. 2 THE HEARING OFFICER: -- Askin who are not 3 mentioned in the charge. 4 Can you give us a summary, three or four 5 sentences max, Mr. Guss, as to what Mr. Green would 6 testify to? 7 MR. GUSS: Mr. Green would testify to the 8 policy file itself. Also to Mr. Brown's behavior, 9 because he was a regular attendee on the calls that is 10 mentioned in my complaint. 11 THE HEARING OFFICER: I didn't hear the last 12 part of it. 13 MR. GUSS: He was a regular attendee on the 14 calls that were mentioned in my complaint. So he would 15 testify as to the incidents that are cited in my 16 complaint as a witness to them, because he participated 17 in several of the meetings. 18 THE HEARING OFFICER: And Mr. Askin? 19 MR. GUSS: He would testify specifically to 20 the committee on -- the COPE committee and to its 21 policies and rules as well as to a screenshot that was 22 included in my complaint from Lo Williams that is, you 23 know, something about my work site that Lo put in the 24 comments, as well as Mr. Brown's general behavior. 25 Mr. Askin was also a regular attendee on Mr. Brown's</p>	<p>Page 39</p>
<p>1 witnesses. Two witnesses won't be able to appear today 2 and I would have to call them on another day, but I'm 3 prepared to call three witnesses today. Yes. 4 MR. DIGGS: And Mr. La Rue. 5 THE HEARING OFFICER: Go ahead. 6 MR. DIGGS: Mr. Guss did give me names of the 7 witnesses. I just wonder what is the mechanism in 8 objecting to or receiving an offer of proof for some 9 of the witnesses, as they're not part of his charge and 10 they'll just be cumulative as to what the individuals in 11 his charge would say, assuming they're being called as 12 witnesses. 13 THE HEARING OFFICER: So you're asking for 14 an offer of proof as to what each witness is going to 15 testify to? 16 MR. DIGGS: The two that Mr. Guss intends to 17 call today, Mr. Akian [sic] and Mr. Green, they're not 18 mentioned at all in his charge documents. Because he's 19 very specific in terms of, you know, what it is. And so 20 I'm just wondering. 21 MR. GUSS: Yeah. About that, I also have 22 Karen Louis, who I believe is mentioned in the charge, 23 also available to testify too. 24 THE HEARING OFFICER: Well, what Mr. Diggs is 25 asking is, it's Green and -- who was it, Mr. Diggs?</p>	<p>Page 38</p>	<p>1 calls. 2 THE HEARING OFFICER: Mr. Diggs, do you want 3 to be heard? 4 MR. DIGGS: Yeah. I don't think that it's 5 relevant to the charges. I mean, they're assuming 6 that Mr. Guss gets the videos in. The videos speak for 7 themselves in terms of Mr. Brown's demeanor or whatever 8 it may be during these calls. 9 The document that Mr. Guss is referring to in 10 terms of he said somebody else took and sent it to him, 11 I mean, it lacks foundation. So I don't know how that 12 would be entered into. 13 MR. GUSS: So yeah. 14 MR. DIGGS: I just don't know if, one, they're 15 cumulative because they're going to say the same thing. 16 And the COPE issue is not an issue outlined in 17 Mr. Guss's charge other than Mr. Guss saying that 18 Mr. Brown waived the document that he says was a COPE 19 document. That's about it. 20 But in terms of its policies and the board 21 for COPE, I don't know how that's relevant towards the 22 charge. 23 MR. GUSS: Yeah. My understanding from citing 24 that document is that document is confidential. And so 25 Mr. Brown waiving that in public is a violation, and so,</p>	<p>Page 40</p>

<p>1 you know, Mr. Askin would sort of lay the foundation for 2 that. I think they're both foundational witnesses for 3 what happened. 4 And then future witnesses, including myself, 5 Theresa Taylor, and Richard Wake, would be sort of 6 witnesses in terms of, when people took actions that 7 Mr. Brown disagreed with, his retaliatory behavior in 8 violation of policy file 9.0.01 (e) and (k). 9 And so the witnesses that I call in that order 10 is to establish, first, what happened; then, you know, 11 obviously Mr. Brown didn't like certain things that 12 happened; and then his reaction to that. 13 And, you know, I think the dispute is whether 14 that reaction was appropriate. I think Mr. Diggs 15 believes that it was, and, obviously, I believe that 16 it was not. 17 THE HEARING OFFICER: All right. Anything 18 further? 19 MR. DIGGS: Nothing, Mr. La Rue. 20 THE HEARING OFFICER: All right. I think it 21 would – probably the most efficient way is to permit 22 the witnesses to testify. I'll entertain objections if 23 you think the questions are not relevant to the issue 24 before me, Mr. Diggs, and make a ruling with regard to 25 individual questions. But I'll permit the witnesses</p>	<p>Page 41</p>	<p>1 based on Order Number 7 with them moving Mr. Guss first, 2 Ms. Walls second, and then Mr. Brown third? 3 THE HEARING OFFICER: That's correct. Since 4 the parties have agreed to a change in the order, then 5 the Order 7 would be amended to that effect, that 6 Mr. Guss would proceed first, Ms. Walls would have an 7 opportunity to conduct direct examination of Green and 8 Askin in whatever order they're called, and then you 9 would have an opportunity to cross-examine. 10 MR. DIGGS: And is it, fine Mr. La Rue, if we 11 do – and I'm not sure. We'll discuss during the break. 12 If we decide to give an opening, the opening could be 13 just as it relates to Mr. Guss's charge and then reserve 14 everything else based on, after your ruling, then how we 15 will proceed with Ms. Walls? 16 THE HEARING OFFICER: Absolutely. This would 17 only pertain to the Guss charge. 18 MR. DIGGS: Understood. All right. Thank 19 you, Mr. La Rue. 20 MR. GUSS: I would request a 15-minute recess 21 so I can contact Mr. Askin and Mr. Green to make sure 22 that they're both ready to be called to testify. 23 THE HEARING OFFICER: All right. We will 24 resume – granted. We will resume ten minutes before 25 the hour.</p>	<p>Page 43</p>
<p>1 Green and Askin to testify. 2 MR. DIGGS: Understood. 3 THE HEARING OFFICER: With that, the 4 preliminary investigation with regard to the Guss charge 5 is concluded, and I'm going to rule that there is a need 6 for a hearing with regard to the Guss charge. 7 Is there anything else with regard to the 8 preliminary investigation with regard to the Guss 9 charge? 10 MR. GUSS: No. 11 MR. DIGGS: Nothing from Mr. Brown. 12 THE HEARING OFFICER: All right. Mr. Guss, 13 Mr. Green seems to be in the waiting room. 14 MR. GUSS: My understanding is I get to give 15 an opening statement first; is that correct? 16 THE HEARING OFFICER: If you wish to do so 17 yes, you may. 18 MR. GUSS: Okay. I do wish to do so. I would 19 anticipate it taking no longer than ten minutes. So can 20 we recess for five minutes so I can notify Mr. Green of 21 anticipated – well, also, Mr. Diggs, do you anticipate 22 having an opening statement for yourself as well? 23 MR. DIGGS: If we have opening statements, 24 Mr. La Rue, are they going to be pursuant based on – 25 I know we're going out of order, but would it then be</p>	<p>Page 42</p>	<p>1 MR. DIGGS: All right. Thank you. 2 THE HEARING OFFICER: We're off the record. 3 (Break taken, 12:36 p.m. to 12:53 p.m.) 4 THE HEARING OFFICER: We're back on the 5 record. 6 Before we went off the record, I ruled that 7 the preliminary investigation with regard to the Guss 8 matter is closed. There is a reason to hold a hearing 9 to determine the validity of the charge. 10 We are beginning with an opening statement by 11 Mr. Guss; followed by an opening statement by Mr. Diggs, 12 if he wishes to do so; and then Mr. Andonian as well, if 13 he wishes to do so, with regard to the Guss matter, only 14 the Guss matter. We are not going into the Walls 15 matter. 16 Mr. Guss, you may make your opening statement. 17 MR. GUSS: Thank you, Mr. La Rue. 18 My name, for the record, is Michael Guss. I 19 am a member of SEIU Local 1000 and have been since one 20 month after I joined State service, which is the 21 minimum, that you have to wait a month to join a union. 22 So I joined in April of 2021, and I have become an 23 active member since then. 24 Mr. Brown became president on July 1st, 2021, 25 and in his reign, I would say through the end of</p>	<p>Page 44</p>

<p>1 February, so I guess that's about eight months – 2 seven, eight months, he created a culture of fear, 3 intimidation, and retaliation that I personally 4 experienced; the two people who were cited in my 5 complaint and I intend to call as witnesses, Richard 6 Wake and Theresa Taylor, also personally experienced. 7 The culture was designed to beat down and wear 8 down individuals who disagreed with Mr. Brown on how to 9 administer the union and to instill fear for us to not 10 raise concerns. 11 Further, Mr. Brown brought disrepute upon the 12 union through his conduct on SEIU Local 1000 Listens to 13 You, his weekly program, where he made statements about 14 Ms. Taylor, Mr. Wake, and myself respectively on 15 September 8th – or no – yes, September 15th – I'm 16 sorry – September 15th, November – December 8th and 17 November 17th respectively. 18 Those comments included items that called 19 people names, that resulted in Mr. Brown giving out his 20 personal address and challenging his critics to come and 21 meet him in person. In one instance Mr. Brown said, 22 "If you're looking for some action, come to my address, 23 3225 43rd Street." Though Ms. Taylor was not on that 24 call, she was referenced at the beginning of that 25 statement. So it was definitely directed towards her.</p>	<p>Page 45</p>	<p>1 policy means within the union. 2 So I believe that Mr. Brown violated, through 3 his behavior on those three calls, September 15th, 4 November 17th, and December 8th, the Local 1000 bylaws, 5 specifically 9.0.01 (k) and 9.0.01 (e), and I intend to 6 prove that through the calling of Mr. Askin, Mr. Green, 7 Ms. Alluis, Ms. Taylor, Mr. Wake, and myself. 8 And with that, I concluded my opening remarks, 9 and thank you for the time. 10 THE HEARING OFFICER: Mr. Andonian, do you 11 wish to make a statement? 12 MR. ANDONIAN: I have no opening statement for 13 Mr. Guss's case other than to commend him and to ask to 14 incorporate his remarks into Ms. Walls's case when we 15 get there. 16 THE HEARING OFFICER: Very well. 17 Mr. Diggs. 18 MR. DIGGS: Yes. Ms. Davis will be doing the 19 opening statement as it pertains to Mr. Guss. 20 THE HEARING OFFICER: All right. Ms. Davis. 21 MS. DAVIS: Hello. 22 So this matter is about passion, politics, 23 personality clashes, pettiness, and power. And 24 Mr. Richard Louis Brown, Mr. Brown, is a passionate man 25 who was duly elected by the members of the Service</p>	<p>Page 47</p>
<p>1 And he also challenged Mr. Wake on 2 December 8th to come to his house and call him a chicken 3 and a coward to his face. And then concluded his 4 remarks by saying, "The truth of God is not in you," to 5 Mr. Wake. 6 This all created a culture where Local 1000 7 members who had issues that they wanted to address 8 within the union did not feel comfortable coming 9 forward. It brought disrepute upon the union. 10 There were several Sacramento Bee articles 11 which I intend to enter into the record during witness 12 testimony that definitely brought disrepute to the union 13 in violation of Section 9.0.01 (k) of the policy file. 14 And Mr. Brown also, by choosing to use his 15 calls to settle disputes that he had with local members, 16 violated policy file 9.0.01 (e) because the policy file 17 lays out within itself a way for disputes between 18 members to be resolved. This hearing is a result of 19 that process. 20 And Mr. Brown did not engage in that process 21 when he felt offended and instead chose to use his 22 megaphone as Local 1000 president and his YouTube and 23 Facebook videos to intimidate SEIU Local 1000 members 24 and in order to keep us from criticizing him or from 25 looking into what he was doing or suggesting alternative</p>	<p>Page 46</p>	<p>1 Employees International Union Local 1000. And since 2 he's been the president, he has incorporated these 3 Local 1000 Listens to You meetings in which he has 4 welcomed transparency and openly discussed his positions 5 with the members. 6 There's no policy file or bylaw which 7 prohibits Mr. Brown from discussing his beliefs as he 8 has done during these Local 1000 Listens to You 9 meetings. 10 Now, Mr. Guss alleges that Mr. Brown violated 11 policy file number 9.0.01 (k), which is behavior which 12 is determined by the hearing panel -- which is 13 Mr. La Rue here today -- or officers to be of such a 14 nature that it causes discredit to Local 1000. 15 Now, as we're here today, Mr. Brown has said, 16 you know, he wants to be transparent, and transparency 17 has been a consistent part of his platform as president 18 of Local 1000. This transparency has been the key to 19 his discussions and his comments made during the 20 Local 1000 Listens To You meetings. 21 This transparency has also been the key to him 22 and his responses to the complaints, to the harassment 23 that he has experienced, to the threats and 24 mischaracterization of his character, as well as to the 25 inappropriate comments made and directed to him by</p>	<p>Page 48</p>

<p>1 Theresa Taylor, Mr. Wake. 2 And with that, we believe and Mr. Brown 3 believes that his transparency has been consistent and 4 that he has not violated any policy file or bylaws of 5 Local 1000. 6 Thank you. 7 THE HEARING OFFICER: Thank you. 8 Mr. Guss, are you prepared to call your first 9 witness? 10 MR. GUSS: Yeah. I would move to call Frank 11 Askin, if he has joined. I just told him we were ready. 12 The opening statements went a little faster than I was 13 anticipating. 14 If not, I'm going to call Mr. Green, if he's 15 in the room. 16 THE HEARING OFFICER: So I don't see Mr. Askin 17 in the waiting room. 18 MR. GUSS: Okay. Then I'll call Mr. Green. 19 THE HEARING OFFICER: Ms. Mattson, could you 20 permit Mr. Green into the room? 21 MS. MATTSON: Yes. He should be joining now. 22 THE WITNESS: Hello. Give me a second. 23 THE HEARING OFFICER: Mr. Green, can you hear 24 me? 25 THE WITNESS: Yes. I'm getting set up. Just</p>	<p>Page 49</p> <p>1 pertaining to this matter? 2 THE WITNESS: On my person that I'm using now 3 or just on my person? 4 THE HEARING OFFICER: Do you have anything on 5 a device that is open right now and it contains a 6 document or documents pertaining to this matter? 7 THE WITNESS: No, I do not. 8 THE HEARING OFFICER: Very well. Thank you. 9 In a moment I'm going to ask you to take an 10 oath or an affirmation, and then Mr. Guss will be asking 11 you questions; followed by Mr. Andonian, who may have 12 questions for you, who represents Ms. Walls in this 13 matter; and then followed by Mr. Diggs or Ms. Davis, 14 who represent Mr. Brown in this matter. 15 THE WITNESS: Very well. 16 THE HEARING OFFICER: The persons that you see 17 on the screen in this matter are myself, I'm Hearing 18 Officer La Rue. 19 The neutral case administrator, Grdina. 20 Please raise your hand. 21 THE WITNESS: Okay. 22 THE HEARING OFFICER: SEIU Local 1000, who is 23 running the platform for us. Ms. Mattson, please raise 24 your hand. 25 Ms. Davis, who represents Mr. Brown. Please</p> <p>Page 51</p>
<p>1 a second. I need about 30 seconds. 2 THE HEARING OFFICER: All right. 3 THE WITNESS: There we go. I understand you 4 want to see video. 5 THE HEARING OFFICER: Could you lower your 6 camera so that we can see your full face, please? 7 THE WITNESS: Exactly. 8 THE HEARING OFFICER: Very good. 9 THE WITNESS: Give me a second. All right. 10 THE HEARING OFFICER: All right. Before we 11 start testimony, I have a couple questions I want to 12 ask you. 13 THE WITNESS: Okay. 14 THE HEARING OFFICER: Are you in a private 15 place where no one can hear your testimony? 16 THE WITNESS: Yes. 17 THE HEARING OFFICER: There is no one in the 18 room with you who can hear your testimony or you can 19 speak with? 20 THE WITNESS: There is not. 21 THE HEARING OFFICER: Do you have any 22 documents in front of you pertaining to this matter? 23 THE WITNESS: No, I do not. 24 THE HEARING OFFICER: Do you have any 25 documents on any device, computer, phone, or otherwise</p>	<p>Page 50</p> <p>1 raise your hand, Ms. Davis. 2 Mr. Diggs, who represents Mr. Brown. 3 THE WITNESS: Okay. 4 THE HEARING OFFICER: Ms. Aman, who also 5 represents Mr. Brown. 6 THE WITNESS: Okay. 7 THE HEARING OFFICER: And Ms. Walls, who is 8 the other charging party in this matter. 9 THE WITNESS: All right. 10 THE HEARING OFFICER: Okay. Do you have any 11 questions with regard to the testimony you're about to 12 give? 13 THE WITNESS: No. Just one extra piece. I 14 would like to just close my door. 15 THE HEARING OFFICER: Please do. 16 THE WITNESS: Okay. Thank you. 17 All right. Very well. 18 THE HEARING OFFICER: Now, I would remind you 19 that there is a court reporter recording this testimony. 20 So what I would ask you to do is wait until the question 21 is fully asked before you begin to answer. 22 Oh, I neglected to indicate Mr. Brown is in 23 the hearing room as well. He is the charged party. 24 Mr. Brown, please raise your hand. Thank you. 25 My apologies.</p> <p>Page 52</p>

<p>1 Therefore, coming back to, the court reporter 2 is taking the testimony, so I want you to speak slowly, 3 please. Only answer the question after the full 4 question has been asked. All right? 5 THE WITNESS: Very well. 6 THE HEARING OFFICER: Thank you. Would you 7 please raise your right hand. 8 VINCENT GREEN (for the Charging Party Guss), 9 sworn as a witness, testified as follows: 10 THE HEARING OFFICER: Thank you. 11 Mr. Guss, your witness. 12 MR. GUSS: Thank you. 13 DIRECT EXAMINATION 14 BY MR. GUSS: 15 Q. What is your name, for the record? 16 A. Vincent Green. 17 Q. And are you -- where are you employed, for the 18 record? 19 A. I am employed for the Department of Veterans 20 Affairs for the State of California. 21 Q. Are you a member of SEIU, for the record? 22 A. Yes, I am. 23 Q. How long have you been a member of SEIU 24 Local 1000? 25 A. I've been a member since approximately 2006.</p>	<p>Page 53</p>	<p>1 THE WITNESS: Yes. Can you just repeat it for 2 me, please? 3 BY MR. GUSS: 4 Q. Yeah. 5 Did you participate regularly in SEIU Local 6 1000 Listens to You that Mr. Brown put on in the time 7 period between July 1st, 2021, when he took office, and 8 the end of February 2022? 9 A. Yes. 10 Q. When you participated in the meetings with 11 Richard Louis Brown, were you an active participant? 12 A. I was an active participant. Yes. 13 Q. As an active participant, did you engage in 14 direct conversations with Mr. Brown? 15 A. Yes. 16 Q. Did you participate with Mr. Brown on 17 November 17th, 2021? 18 A. I believe so. Yes. 19 Q. On November 17th, 2021, did you notice -- 20 THE HEARING OFFICER: Mr. Guss, you're about 21 to ask a leading question. 22 MR. GUSS: Yeah. No, I know, and I'm trying 23 to think. I'm sorry. 24 THE HEARING OFFICER: What, when, where, and 25 why.</p>	<p>Page 55</p>
<p>1 So that's about -- what, about 22 years. 2 Q. 16, I think. 3 A. 16 years, yes. 16 years. 4 Q. Are you a steward for Local 1000? 5 A. Yes, I am. 6 Q. How long have you been a steward? 7 A. I've been a steward since 2007. So for about 8 15 years. 9 Q. And are you an elected representative for 10 Local 1000 in your district labor council? 11 A. No, I am not. Not for my district labor 12 council. 13 Q. Okay. And did you participate regularly in 14 Richard Louis Brown's Local 1000 Listens to You between 15 when they started in July of 2021 and when the last ones 16 happened in February of 2022? 17 MR. DIGGS: Objection. Vague. 18 THE HEARING OFFICER: Pardon me? I didn't 19 hear the objection. 20 MR. DIGGS: It's vague. 21 THE HEARING OFFICER: It's setting a time 22 period. 23 MR. DIGGS: Okay. 24 THE HEARING OFFICER: Mr. Green, do you 25 understand the question?</p>	<p>Page 54</p>	<p>1 MR. GUSS: Yeah. 2 THE HEARING OFFICER: What, when, where, and 3 why. 4 MR. GUSS: Okay. Thank you. Sorry. 5 BY MR. GUSS: 6 Q. When you participated on November 17th, do you 7 recall why you were participating? 8 A. Yes, I do. Since Richard had taken office -- 9 and I'm talking about not only the 17th. I'm talking 10 about, you know, all the meetings -- as well as other 11 people, we were sometimes unsure about Richard, but I 12 wanted to give him a chance. And I always started off 13 my conversations with Richard saying that, you know 14 what, I wasn't there to attack him, but I was to try to 15 make sure I understood what he was trying to say and 16 also the people that I represent. 17 Now, in going back to your question about am 18 I an elected official, you know, as far as my DOC is 19 concerned, I am not. 20 MR. DIGGS: Objection. This is outside the 21 scope. He answered the question. 22 THE HEARING OFFICER: The question was whether 23 you were a participant. 24 Mr. Guss, if you have another question of the 25 witness.</p>	<p>Page 56</p>

<p>1 MR. GUSS: Yeah.</p> <p>2 BY MR. GUSS:</p> <p>3 Q. Did Richard Louis Brown – so is Irene Green,</p> <p>4 who is the vice president of bargaining, your wife?</p> <p>5 A. Yes.</p> <p>6 Q. Did Richard Louis Brown –</p> <p>7 THE HEARING OFFICER: Not "did." Not "did."</p> <p>8 It's going to move into a leading question.</p> <p>9 MR. GUSS: Okay. Sorry. I'm thinking in my</p> <p>10 head.</p> <p>11 BY MR. GUSS:</p> <p>12 Q. When you participated, did you ever mention</p> <p>13 your wife in conversations with Richard Louis Brown?</p> <p>14 A. Yes, I have.</p> <p>15 Q. And why did you mention your wife in</p> <p>16 conversations on SEIU Local 1000 Listens to You?</p> <p>17 A. Because the action that Richard had taken</p> <p>18 against Vice President Green, my wife, I thought was</p> <p>19 not justified. He had basically summarily -- I wouldn't</p> <p>20 say suspended her because that's not a true</p> <p>21 characterization of the facts, but what he did was he</p> <p>22 effectively locked her out of the building and cut her</p> <p>23 off from any access to employees or anything else that</p> <p>24 could actually assist her in doing her job as vice</p> <p>25 president. So even as a steward, I was claiming at</p>	<p>Page 57</p> <p>1 THE HEARING OFFICER: Yes. Mr. Green, if you</p> <p>2 hear an objection, just go silent until I've ruled.</p> <p>3 THE WITNESS: Understood.</p> <p>4 THE HEARING OFFICER: I'll let you know</p> <p>5 whether or not you should answer the question or we'll</p> <p>6 go on.</p> <p>7 The objection to the last question was?</p> <p>8 MR. DIGGS: It was relevance.</p> <p>9 THE HEARING OFFICER: I'll take it as</p> <p>10 background. Let's move on.</p> <p>11 BY MR. GUSS:</p> <p>12 Q. So can Mr. Green repeat his answer? Because</p> <p>13 I'm not sure I quite heard it.</p> <p>14 A. Can you repeat the question for me, please?</p> <p>15 THE HEARING OFFICER: Would the court reporter</p> <p>16 please repeat the question?</p> <p>17 (The requested portion was read back.)</p> <p>18 THE HEARING OFFICER: And the "it" refers to</p> <p>19 religion.</p> <p>20 THE WITNESS: Okay. Thank you.</p> <p>21 It was mentioned by President Richard Louis</p> <p>22 Brown.</p> <p>23 BY MR. GUSS:</p> <p>24 Q. When Mr. Brown mentioned religion, how did he</p> <p>25 relate that to Local 1000 Listens to You?</p>
<p>1 that point it was unfair.</p> <p>2 MR. DIGGS: Objection. It calls -- it's</p> <p>3 nonresponsive and it calls for speculation, conjecture.</p> <p>4 THE HEARING OFFICER: Overruled. I'll permit</p> <p>5 the question and the answer as the opinion of a witness,</p> <p>6 not necessarily factual.</p> <p>7 BY MR. GUSS:</p> <p>8 Q. Mr. Green, when you participated in SEIU</p> <p>9 Local -- Mr. Green, are you a Christian?</p> <p>10 A. Yes, I am.</p> <p>11 MR. DIGGS: Objection. Relevance.</p> <p>12 THE HEARING OFFICER: Sustained.</p> <p>13 BY MR. GUSS:</p> <p>14 Q. Mr. Green, when you participated in SEIU</p> <p>15 Local 1000 Listens to You, was religion ever mentioned?</p> <p>16 A. Yes.</p> <p>17 Q. Who was it mentioned by?</p> <p>18 A. President Richard Louis Brown.</p> <p>19 MR. DIGGS: Objection --</p> <p>20 THE HEARING OFFICER: Did I hear an objection,</p> <p>21 Mr. Diggs?</p> <p>22 MR. DIGGS: Yes. I object. Relevance.</p> <p>23 And, Mr. La Rue, if you can please admonish</p> <p>24 the witness that when there's an objection, have you</p> <p>25 rule on it first before he puts something on the record.</p>	<p>Page 58</p> <p>1 MR. DIGGS: Objection. Relevance.</p> <p>2 THE HEARING OFFICER: No. I think I'm going</p> <p>3 to let him go a little bit further on this one.</p> <p>4 You may answer the question, Mr. Green.</p> <p>5 THE WITNESS: In several times, including this</p> <p>6 meeting, I believe President Richard Louis Brown was</p> <p>7 indicating that, you know, because of his religious</p> <p>8 beliefs, he believed that he was president of Local 1000</p> <p>9 and was appointed by God. And he has said that several</p> <p>10 times, including in this meeting.</p> <p>11 BY MR. GUSS:</p> <p>12 Q. When President Brown mentioned religion, did</p> <p>13 he ever mention religion of other participants in SEIU</p> <p>14 Local 1000 Listens to You?</p> <p>15 A. Yes, he did.</p> <p>16 Q. Whose religion did he mention in SEIU</p> <p>17 Local 1000 Listens to You?</p> <p>18 A. Yours, in particular.</p> <p>19 Q. What did he mention about my religion?</p> <p>20 A. He basically said that, you know, you were a</p> <p>21 Jew. Okay? And he also alluded to the Jewish people</p> <p>22 and how they were, not necessarily in a disparing [sic]</p> <p>23 thing, but I think but he was basically saying that you</p> <p>24 were Jewish.</p> <p>25 MR. GUSS: I have no further questions for the</p>
	<p>Page 59</p> <p>Page 60</p>

<p>1 witness. Thank you.</p> <p>2 THE HEARING OFFICER: Mr. Andonian, do you</p> <p>3 have any questions of this witness?</p> <p>4 MR. ANDONIAN: No, I do not. Thank you.</p> <p>5 THE HEARING OFFICER: Mr. Diggs, you may</p> <p>6 cross-examine.</p> <p>7 MR. DIGGS: Just briefly.</p> <p>8 CROSS-EXAMINATION</p> <p>9 BY MR. DIGGS:</p> <p>10 Q. Mr. Green, do you know Mr. Guss's religion?</p> <p>11 A. Only by what was stated in the Local 1000</p> <p>12 Listens to You.</p> <p>13 Q. Okay. And so Mr. Guss has never informed you</p> <p>14 that he is of Jewish belief?</p> <p>15 A. Subsequently, sure. But before that, it was</p> <p>16 only at the time of the actual meetings itself. That</p> <p>17 was when I first became aware.</p> <p>18 Q. Okay. Which meeting are you referring to?</p> <p>19 A. I would say definitely the meeting that's in</p> <p>20 question, but I would probably say too, you know, we're</p> <p>21 talking about six or seven months of meetings. So</p> <p>22 about, what, seven times. I would say about 25, 30</p> <p>23 meetings. So I would say anywhere from October up until</p> <p>24 November it had been raised.</p> <p>25 Q. Okay. You said the meeting in question.</p>	<p>Page 61</p> <p>1 conversations that went back and forth.</p> <p>2 Now, as a whole as far as the Jewish people is</p> <p>3 concerned, no. But as Michael Guss being Jewish, that's</p> <p>4 a different conversation.</p> <p>5 MR. GUSS: All right. I don't have any more</p> <p>6 questions of -- well, actually.</p> <p>7 BY MR. GUSS:</p> <p>8 Q. Do you know who Gerilee Fisher is, Mr. Green?</p> <p>9 A. Absolutely.</p> <p>10 Q. All right. And how do you know Ms. Lee</p> <p>11 Fisher?</p> <p>12 A. I met Ms. Fisher about 10, 12 years ago when</p> <p>13 she was working at the Department of Public Health, I</p> <p>14 believe in Richmond, California.</p> <p>15 Q. All right. And do you know Ms. Fisher as a</p> <p>16 supporter of Mr. Brown and his presidency?</p> <p>17 A. Not until January -- well, what is it? Not</p> <p>18 since the January incident.</p> <p>19 Q. January incident?</p> <p>20 A. I'm sorry. Not January incident. I'm sorry.</p> <p>21 February incident.</p> <p>22 Q. When you say "February incident," what are you</p> <p>23 referring to?</p> <p>24 A. I'm referring to the occupation of SEIU</p> <p>25 Local 1000's building.</p>
<p>Page 62</p> <p>1 What meeting is in question that you have in</p> <p>2 your mind that you're discussing right now?</p> <p>3 A. I believe it's November 17th. The date could</p> <p>4 be wrong.</p> <p>5 Q. Okay. And, again, you were present on that</p> <p>6 November 17th, 2021, meeting?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And you would agree that, based on your</p> <p>9 testimony, that Mr. Brown saying that Mr. Guss was</p> <p>10 Jewish, he said nothing else to disparage the Jewish</p> <p>11 religion at that meeting?</p> <p>12 A. Can you repeat that question, please?</p> <p>13 Q. Sure. I'll ask it a different way.</p> <p>14 You would agree that Mr. Brown said nothing</p> <p>15 about -- discriminatory about Jewish people during that</p> <p>16 meeting that you are saying he called Mr. Guss Jewish?</p> <p>17 A. I don't know if I would agree with that.</p> <p>18 Q. Mr. Guss -- you testified that he either said</p> <p>19 that he is a Jew or that he's Jewish.</p> <p>20 Is there something more that Mr. Brown said?</p> <p>21 A. So it would be -- and these are over a couple</p> <p>22 meetings. With the back-and-forth that Mr. Guss had</p> <p>23 with President Brown, he would turn around and say,</p> <p>24 Well, this is Michael Guss," and, "This is Michael</p> <p>25 Guss. Oh, but he's Jewish." It was those types of</p>	<p>Page 64</p> <p>1 Q. Okay. All right. When you -- after you found</p> <p>2 out that Ms. Fisher was a supporter of Mr. Brown, isn't</p> <p>3 it true that on March 10, 2022, you assaulted</p> <p>4 Ms. Gerilee Fisher?</p> <p>5 A. That is not true.</p> <p>6 Q. Okay. Have you ever received a police report</p> <p>7 as it relates to allegations that you assaulted</p> <p>8 Ms. Geri --</p> <p>9 MR. GUSS: Objection. Relevance.</p> <p>10 THE HEARING OFFICER: Overruled. Proceed.</p> <p>11 THE WITNESS: I have not.</p> <p>12 MR. DIGGS: Okay. All right. I have no</p> <p>13 further questions for Mr. Green, Mr. La Rue.</p> <p>14 THE HEARING OFFICER: Is there redirect of</p> <p>15 Mr. Green, Mr. Guss?</p> <p>16 MR. GUSS: Yes.</p> <p>17 REDIRECT EXAMINATION</p> <p>18 BY MR. GUSS:</p> <p>19 Q. Mr. Green, do you recall whether there was an</p> <p>20 exchange between myself and Mr. Brown on November 17th?</p> <p>21 A. There was. To be honest with you, I'm not</p> <p>22 quite sure exactly what it was, but it was very</p> <p>23 confrontational on both sides.</p> <p>24 MR. GUSS: I move to enter Charging Party Guss</p> <p>25 Exhibit B into the record.</p>

<p>Page 65</p> <p>1 THE HEARING OFFICER: That would be MP4 file 2 compressed size 49,916? 3 MR. GUSS: Correct. It's the second of the 4 MP3s [sic] that I filed. 5 THE HEARING OFFICER: If that's it, that's all 6 I need to know. 7 MR. GUSS: Okay. Yeah. 8 THE HEARING OFFICER: Mr. Diggs, your position 9 on this video? You've reviewed it? 10 MR. DIGGS: Yeah, I reviewed it. I have an 11 objection now as to it being introduced during the 12 redirect, as it wasn't in the scope of his direct or my 13 cross-examination. 14 THE HEARING OFFICER: I understand, Mr. Diggs, 15 but this is an informal hearing. Not strict rules of 16 evidence and procedure -- 17 MR. DIGGS: Understood. 18 THE HEARING OFFICER: -- are applied. 19 There being no objection of Exhibit B coming 20 into the record, it's received. 21 (Guss's Exhibit B admitted into evidence.) 22 MR. GUSS: Okay. And then I'm sorry. I'm not 23 a lawyer. So does that mean I get to play it now, or 24 what do I do now? 25 THE HEARING OFFICER: If you wish to play it,</p>	<p>Page 67</p> <p>1 (Video played.) 2 THE HEARING OFFICER: Further questions, 3 Mr. Guss, of Mr. Green? 4 BY MR. GUSS: 5 Q. Mr. Green, was that typical of Mr. Brown's 6 responses to critics? 7 MR. DIGGS: Objection. It's vague and 8 calls -- 9 THE HEARING OFFICER: Sustained. 10 MR. GUSS: Okay. Then I have no further 11 questions. 12 THE HEARING OFFICER: Mr. Diggs, any further 13 questions of this witness? 14 MR. DIGGS: Just briefly, just for background. 15 RECROSS-EXAMINATION 16 BY MR. DIGGS: 17 Q. Mr. Green, you would agree that the response 18 that we just saw from Mr. Brown is a response to a 19 question that was asked by Mr. Guss when he called in 20 on that day; correct? 21 A. If my recollection is correct, I believe so. 22 But without seeing, you know, the entirety of the clip, 23 I can't verify that. 24 MR. DIGGS: All right. No further questions. 25 THE HEARING OFFICER: Any other questions of</p>
<p>Page 66</p> <p>1 you may play it. 2 MR. GUSS: Okay. I do. And it will just take 3 a second to -- can I have a five-minute recess to 4 prepare to share it? 5 THE HEARING OFFICER: Ms. Mattson, can you 6 help the witness get this video on screen? 7 MS. MATTSON: Yes. Can you restate what 8 exhibit it is? 9 THE HEARING OFFICER: It's Exhibit B, 10 MP4 file, compressed size, 49,916. 11 MS. MATTSON: Can I play it, Mr. La Rue? 12 THE HEARING OFFICER: Mr. Guss, are you 13 prepared? I don't want any discussion during it. 14 MR. GUSS: Yeah. 15 THE HEARING OFFICER: If what we're supposed 16 to do is see the video. 17 MR. GUSS: Yeah. All we're supposed to do is 18 see the video. Thank you. 19 THE HEARING OFFICER: Is there oral with this? 20 Audio? 21 MR. GUSS: Yes, there is. 22 THE HEARING OFFICER: Okay. 23 Yes, Ms. Mattson, please play it. 24 MS. MATTSON: Actually, one second. Let me 25 make sure that the audio will be included.</p>	<p>Page 68</p> <p>1 this witness? 2 MR. GUSS: No. Not from me. 3 THE HEARING OFFICER: Thank you, Mr. Green. I 4 remind you that you are under a sequestration order, and 5 what that means is you're not to have any conversation 6 with anyone who has not yet testified in this matter. 7 THE WITNESS: Understood. 8 THE HEARING OFFICER: Mr. Brown, you need to 9 consult with counsel. 10 Mr. Green, you're excused. 11 THE WITNESS: Thank you. 12 THE HEARING OFFICER: Let's take a five-minute 13 recess so that Mr. Brown can consult with counsel. 14 Okay? Thank you. 15 We'll be back at 20 minutes till the hour. 16 (Break taken, 1:32 p.m. to 1:39 p.m.) 17 THE HEARING OFFICER: Okay. We're back on the 18 record. 19 MR. GUSS: I move to call Frank Askin as a 20 witness. 21 THE HEARING OFFICER: Ms. Mattson, would you 22 permit him into the room, please. 23 Mr. Askin, if you will unmute your microphone, 24 please. 25 THE WITNESS: Yes. Can you hear me now?</p>

<p>1 THE HEARING OFFICER: We can hear you now. 2 Thank you. 3 Mr. Askin, my name is Homer La Rue, and I am 4 the neutral hearing officer. 5 On the screen – she will raise her hand – 6 I'm accompanied by the Neutral Case Administrator 7 Grdina. 8 On the other side of my screen, anyway, is 9 Mr. Brown, who is the charged party. 10 Mr. Guss, you know. 11 Mr. Andonian represents Charging Party Walls. 12 SEIU Local 1000, this is Lisa Mattson. She 13 is handling the platform for us and handling technical 14 matters. 15 Ms. Walls is the other charging party in this 16 matter. 17 Ms. Davis represents Mr. Brown. 18 Ms. Samelson is the court reporter. 19 Mr. Diggs represents Mr. Brown. 20 And Ms. Aman represents Mr. Brown. 21 A couple of questions before we start 22 testimony. 23 Are you in a private space where no one can 24 hear your testimony? 25 THE WITNESS: Correct. Yes, I am.</p>	<p>Page 69</p> <p>1 DIRECT EXAMINATION 2 BY MR. GUSS: 3 Q. What is your name, for the record? 4 A. My name is Frank Kareem Askin. I am an 5 information technology associate with the California 6 Unemployment Insurance Appeals Board. 7 Q. Are you a member of SEIU Local 1000? 8 A. Yes, I am. And I'm also a steward and a CPER. 9 Q. How long have you been a member of Local 1000? 10 A. I've been a member of Local 1000 since right 11 around October 2010. 12 Q. And how long have you been an employee at the 13 appeals board? 14 A. Since August 2010. 15 Q. Are you active with SEIU Local 1000's COPE 16 committee? 17 A. Yes, I am. I'm an active member, and I am 18 also on the COPE committee. 19 Q. Does the COPE committee have processes to be 20 followed – well, what does the COPE committee do? 21 A. Basically what the COPE committee does is we 22 work in conjunction with the California Labor Fed – or 23 we are supposed to – and basically what we do is, the 24 COPE funds that we collect from members, they are to be 25 used for political purposes only and only for political</p>
<p>1 THE HEARING OFFICER: Do you have any 2 documents in front of you pertaining to this matter? 3 THE WITNESS: No, I do not. 4 THE HEARING OFFICER: Do you have any 5 documents on any device – a cell phone, a tablet – 6 that's open and that pertains to this matter? 7 THE WITNESS: No, I do not. Not at the 8 moment. 9 THE HEARING OFFICER: All right. And there's 10 no one there coaching you on your testimony? 11 THE WITNESS: Correct. That is correct, sir. 12 THE HEARING OFFICER: Thank you. 13 In a moment I'm going to ask you to raise your 14 right hand and to be sworn in, and then Mr. Guss will 15 conduct the direct examination. Mr. Diggs will then 16 cross-examine. 17 Do you have any questions? 18 THE WITNESS: No, I do not. Not at the 19 moment. 20 THE HEARING OFFICER: Very well. If you'll 21 raise your right hand, please. 22 FRANK ASKIN (for the Charging Party Guss), 23 sworn as a witness, testified as follows: 24 THE HEARING OFFICER: Thank you. 25 Mr. Guss, you may proceed.</p>	<p>Page 70</p> <p>1 purposes. 2 And then we also work in conjunction with the 3 California Labor Fed, and, like, they advise us on who 4 the local is endorsing and who the other unions are 5 endorsing within the state of California. 6 Q. Does the COPE committee have established 7 processes to make decisions about which candidates to 8 endorse and which candidates to not endorse? 9 A. Yes, they do. 10 Q. What are those processes? 11 A. Basically, a few times a year we meet with the 12 California Labor Federation – like, we just met with 13 them roughly maybe two weeks ago – and we go over the 14 process in the California Labor Federation, and they do 15 a vote on who we will be endorsing. 16 Q. Between July 1st, 2021, and the end of 17 February 2021, did those meetings happen as scheduled? 18 A. No, they did not. 19 Q. Why did they not happen as scheduled? 20 A. Because the president, Richard Louis Brown, 21 believed that politics does not play a part in Local 22 1000. 23 THE HEARING OFFICER: Mr. Askin, I'm sorry to 24 interrupt. But you just said that Mr. Brown believed. 25 You have to testify to facts. You can't know what is in</p> <p>Page 72</p>

<p>1 his mind. If you can tell us facts, then it's for me to 2 deduce what might have been in his mind. 3 THE WITNESS: Okay. I'm sorry. 4 Yes. On his videos -- and you can go on 5 YouTube for the Local 1000 Listens to You videos -- he 6 states on each of his videos that Local 1000 should not 7 be involved in politics and politicians are not our 8 bosses. 9 BY MR. GUSS: 10 Q. Were you a regular participant in SEIU Local 11 1000 Listens to You between July 1st, 2021, and the end 12 of February 2022? 13 A. Yes, I have been. I am always on the call. I 14 am always also on the steward calls. I never miss a 15 call. So I am an active participant. 16 Q. Do you personally contribute to the COPE? 17 A. Yes, I do. 18 Q. Did you fill out the form when you personally 19 contributed to the COPE? 20 A. Yes, I did. 21 MR. DIGGS: Objection. Relevance. 22 THE HEARING OFFICER: Okay. I'm sorry, 23 Mr. Diggs. I should have asked Mr. Askin as well. 24 Mr. Askin, when you hear an objection from 25 Mr. Diggs, please stop until I've heard the objection</p>	<p>Page 73</p> <p>1 BY MR. GUSS: 2 Q. Yeah. That's all that was asked. 3 Does the form contain your home address? 4 THE HEARING OFFICER: No. What does the form 5 contain? 6 MR. GUSS: Okay. Okay. 7 BY MR. GUSS: 8 Q. What is listed on the form? 9 MR. DIGGS: Objection. It's vague as to what 10 form we're talking about. 11 THE HEARING OFFICER: Yeah. You need to be a 12 little bit more specific. 13 MR. GUSS: Okay. 14 BY MR. GUSS: 15 Q. When you filled out the COPE form, what did 16 you put on the COPE form? 17 MR. DIGGS: Same objection as to what form 18 we're talking about. It's vague and ambiguous. 19 THE HEARING OFFICER: Does the witness 20 understand the question? 21 THE WITNESS: Yes, I do. 22 THE HEARING OFFICER: I'm going to permit the 23 question. Proceed. 24 THE WITNESS: Okay. Basically, on the form, 25 what I filled out is my name, my home address, and the</p> <p>Page 75</p>
<p>1 and ruled on it. 2 THE WITNESS: Okay. I'm sorry. 3 THE HEARING OFFICER: Not your problem. Not 4 your fault. I should have told you that. 5 Mr. Diggs, state your objection again, please. 6 MR. DIGGS: The objection is relevance, 7 Mr. La Rue. 8 MR. GUSS: Can I respond to that? 9 THE HEARING OFFICER: You may. 10 MR. GUSS: Guss Exhibit -- 11 THE HEARING OFFICER: No. No. 12 MR. GUSS: Okay. Sorry. The form itself is 13 relevant to my case. 14 THE HEARING OFFICER: Yes. In your opening 15 statement, you mentioned it. I'm going to overrule the 16 objection subject to connection. 17 Mr. Askin, do you remember the question? 18 THE WITNESS: Yes, I do, about filling out the 19 form. Yes, I do. 20 THE HEARING OFFICER: You may respond. 21 THE WITNESS: Okay. Yes, I do remember that I 22 did fill out the form. Basically, when I -- the last 23 time -- 24 THE HEARING OFFICER: That's all that was 25 asked.</p> <p>Page 74</p>	<p>1 amount of COPE that I wanted to contribute each month on 2 a voluntarily basis. And then I had to sign the form 3 and submit it to Local 1000. 4 BY MR. GUSS: 5 Q. When you entered State service in 2010, were 6 you given the option to designate your home address as 7 confidential? 8 A. Yes, I was. 9 Q. Did you? 10 A. No, I did not, because I did not have any 11 problem with that at the time. 12 Q. As a steward, do you know of members who have 13 marked their home address as confidential? 14 MR. DIGGS: Objection. Calls for speculation. 15 Objection. Relevance. 16 THE HEARING OFFICER: Relevance -- it's 17 relevant. But lay some foundation as to why this 18 witness would know the answer to that question. 19 MR. GUSS: As a steward, he would represent 20 people who may have filed grievances based on disclosure 21 of home addresses. And Mr. Brown is a steward. 22 MR. DIGGS: Mr. Who? 23 MR. GUSS: Mr. Brown, who I charged, is -- the 24 union president has to be a steward. So they have to 25 follow the rules of being a steward.</p> <p>Page 76</p>

<p>1 THE HEARING OFFICER: But the question that 2 you're asking of this witness is to lay the foundation 3 of why he would know whether any members may have filed 4 for confidentiality of their home address. 5 MR. GUSS: Okay. If I rephrase the question 6 as "When an individual marks their home address as 7 confidential, is that considered confidential 8 information?" is that a better way of doing that? 9 I'm sorry. I'm really trying. 10 MR. DIGGS: Well, I'll object that it lacks 11 foundation and it calls for some expert opinion. 12 THE HEARING OFFICER: Not expert. But this 13 witness has testified so far he's been active with COPE. 14 He knows that he could have asked for confidentiality of 15 his address. What you're trying to determine is whether 16 or not he knows anything about anybody else's. 17 MR. GUSS: Okay. Yeah. 18 BY MR. GUSS: 19 Q. I think -- Mr. Askin, as a steward, do you 20 receive training on confidential information? 21 A. No, we do not. 22 Q. Okay. As a steward, are you expected to keep 23 confidential information confidential? 24 A. Yes, we are. 25 MR. GUSS: I have no further questions.</p>	<p>Page 77</p>	<p>1 A. That we should not be in politics and 2 politicians are not our bosses. 3 Q. All right. And you would agree that there is 4 no policy that you have been trained on in your position 5 sitting on the board of COPE that requires -- scratch 6 that -- that prohibits a president from having 7 discretion as it relates to political spending? 8 A. Correct. 9 MR. DIGGS: Okay. I have no further 10 questions. 11 THE HEARING OFFICER: Further questions of 12 the witness? 13 MR. GUSS: Yeah. 14 REDIRECT EXAMINATION 15 BY MR. GUSS: 16 Q. For the record, Frank, how much do you 17 contribute monthly to COPE? 18 MR. DIGGS: Objection. Relevance. 19 THE HEARING OFFICER: Sustained. 20 MR. GUSS: No further questions. Thank you. 21 THE HEARING OFFICER: Any further questions, 22 Mr. Diggs? 23 MR. DIGGS: No further questions. 24 THE HEARING OFFICER: Thank you, Mr. Askin. 25 I remind you that you are not to have any</p>	<p>Page 79</p>
<p>1 MR. DIGGS: Just briefly. 2 CROSS-EXAMINATION 3 BY MR. DIGGS: 4 Q. Mr. Askin, you would agree that the COPE money 5 that you discussed, when you put the amount on the form, 6 that goes directly to SEIU International? 7 A. It's used for political purposes. It doesn't 8 directly go to International. 9 Q. Okay. And who was the COPE chairman? 10 A. The COPE chair is Steven Alari. 11 Q. Okay. And you would agree that Mr. Alari is 12 the individual who decides when the COPE meetings are? 13 A. Yes. He would coincide with the president of 14 Local 1000, and they would decide together on when the 15 meetings are. And, basically, the meetings that we have 16 are usually at the board of directors meetings -- 17 Q. All right. 18 A. -- held by the Local. 19 Q. All right. Are you familiar with Mr. Brown -- 20 Mr. Brown's 10-point platform that he initiated when he 21 became president? 22 A. Yes, I am. 23 Q. Okay. And what is your understanding, 24 Mr. Askin, as it relates to his point of political 25 spending?</p>	<p>Page 78</p>	<p>1 discussion about your testimony with anyone who has not 2 yet testified. 3 THE WITNESS: Thank you. And I agree to that. 4 THE HEARING OFFICER: Thank you very much. 5 You're excused. 6 THE WITNESS: Thank you. 7 MR. GUSS: Carolyn Alluis, who is my next 8 witness, said she had to use the restroom. So can we 9 have a 10-minute recess? 10 THE HEARING OFFICER: You've got 10 minutes. 11 5:05. That's 2:05 your time. 12 MR. GUSS: And that's my last witness for the 13 day. My other witnesses aren't available today. So is 14 it okay if we end a little bit early? 15 THE HEARING OFFICER: We will discuss that 16 when we finish with your witness. 17 THE WITNESS: Okay. Thank you. 18 (Break taken, 1:55 p.m. to 2:07 p.m.) 19 THE HEARING OFFICER: Mr. Guss, your next 20 witness. 21 MR. GUSS: I move to call Carolyn Alluis. 22 THE HEARING OFFICER: Ms. Mattson, could you 23 get -- is it Alluis? 24 MR. GUSS: Yeah, it's Alluis. And for the 25 court record, I believe it's A-L-L-U-I-S, but I will ask</p>	<p>Page 80</p>

<p>1 her to verify that spelling. 2 THE WITNESS: Hello. 3 THE HEARING OFFICER: Hello, Ms. Alluis. My 4 name is Homer La Rue, and I'm the neutral hearing 5 officer in this matter. 6 I'm here with the neutral case administrator, 7 Ms. Grdina, and she's raising her hand. 8 And I'm going to introduce the other persons 9 in the room. 10 To my right is SEIU Local 1000 Ms. Mattson, 11 who will be running the platform and performing 12 technical for the platform. 13 Down to the next row is Mr. Brown, who is the 14 charged party in this matter. Mr. Brown, if you can 15 raise your hand, please. Thank you. 16 And next to him is Mr. Andonian, who 17 represents Charging Party Walls. 18 Next to him is Ms. Davis, who represents 19 Mr. Brown. 20 Ms. Samelson, down in the next row, is the 21 court reporter. 22 Mr. Diggs represents Mr. Brown. 23 And coming down to the bottom row, Ms. Aman 24 represents Mr. Brown. 25 And Ms. Walls is the other charging party.</p>	<p>Page 81</p> <p>1 THE HEARING OFFICER: Do you have any 2 questions? 3 THE WITNESS: Not at this time. 4 THE HEARING OFFICER: All right. Thank you. 5 If you'll raise your right hand. 6 CAROLYN ALLUIS (for the Charging Party Guss), 7 sworn as a witness, testified as follows: 8 THE HEARING OFFICER: Thank you. 9 Mr. Guss, you may proceed. 10 MS. GRDINA: You're muted. 11 THE HEARING OFFICER: Oh, Mr. Guss, you're 12 muted. 13 MR. GUSS: Oh, sorry. Sorry. 14 DIRECT EXAMINATION 15 BY MR. GUSS: 16 Q. What is your name? 17 A. My name is Carolyn Alluis. 18 Q. How do you spell your last name, for the 19 benefit of the court reporter? 20 A. A-L-L-U-I-S. 21 Q. Where are you employed? 22 A. I'm employed at the Department of Industrial 23 Relations in Van Nuys, California. 24 Q. Are you a member of SEIU Local 1000? 25 A. I am.</p>
<p>1 All right. Ms. Alluis, if you would unmute 2 yourself. 3 We lost you for a moment. Is your Internet 4 okay? 5 THE WITNESS: Yes. It's okay. I'm in a 6 parking garage, but I can hear you clearly. 7 THE HEARING OFFICER: Okay. Well, that segues 8 into my next question. 9 There is no one with you who can hear what 10 you're about to testify to? 11 THE WITNESS: No. 12 THE HEARING OFFICER: All right. Great. 13 Do you have any documents in front of you 14 pertaining to this matter? 15 THE WITNESS: No, I do not. 16 THE HEARING OFFICER: Do you have any 17 documents on a device, such as a cell phone or a tablet, 18 that is open and that pertains to this matter? 19 THE WITNESS: I do not. 20 THE HEARING OFFICER: All right. Thank you. 21 In a moment I'm going to ask you to raise your 22 right hand to be sworn in, and then Mr. Guss will direct 23 questions to you on direct. Mr. Diggs will then ask you 24 questions on cross-examination. 25 THE WITNESS: Okay.</p>	<p>Page 82</p> <p>1 Q. How long have you been a member of SEIU 2 Local 1000? 3 A. Approximately six years, maybe a little more. 4 Q. And how long have you been employed by the 5 Department of Industrial Relations? 6 A. About six and a half years. 7 Q. Between the time period of July 1st, 2021, and 8 the end of February 2022, were you a regular participant 9 on Richard Louis Brown's SEIU Local 1000 Listens to You 10 calls? 11 A. Yes, I was. 12 Q. Between the period of July 1st – at any point 13 between the period of July 1st, 2021, and January 15th, 14 2021, were you a member of the COPE committee? 15 A. Can you repeat the question? 16 Q. At any point between July 1st, 2021, and 17 January 15th, 2022, were you a member of the COPE 18 committee? 19 A. I was. 20 Q. Who appointed you to be on the COPE committee? 21 A. Mr. Brown. 22 Q. When did your appointment end? 23 A. I'm not sure of the exact date, but there is 24 a video where either – it was either a Listens to You 25 call or a daily video that Mr. Brown did where he</p>
	<p>Page 83</p> <p>Page 84</p>

<p>1 verbally dismissed me from the committee. 2 Q. Why did Mr. Brown dismiss you from the 3 committee? 4 MR. DIGGS: Calls for speculation. 5 THE WITNESS: He was – 6 THE HEARING OFFICER: What? I'm sorry. 7 Ms. Alluis, if you hear Mr. Diggs say, 8 "Objection," please do not proceed any further until 9 I've heard and ruled on the objection. 10 THE WITNESS: Okay. Understood. 11 THE HEARING OFFICER: Mr. Diggs. 12 MR. DIGGS: Yes. Objection. That question 13 calls for speculation. 14 THE HEARING OFFICER: No. I think this is 15 from her personal knowledge, as I heard her testify. 16 I'm going to overrule the objection. 17 Ms. Alluis, did you finish your response? 18 THE WITNESS: I am not sure exactly. Can the 19 last question be repeated so I can finish stating? 20 THE HEARING OFFICER: Yes. Could the court 21 reporter please repeat the last question and the first 22 part of Ms. Alluis's response. 23 (The requested portion was read back.) 24 THE WITNESS: He was upset with a comment I 25 had made under one of his videos, and he responded to</p>	<p>Page 85</p>	<p>1 Ms. Alluis. I appreciate your testimony. 2 I remind you that you're under a sequestration 3 order, and that means that you are not to have any 4 discussion with anyone, any discussion about your 5 testimony with anyone who has not yet testified. 6 THE WITNESS: Okay. 7 THE HEARING OFFICER: All right? 8 THE WITNESS: Understood. 9 THE HEARING OFFICER: Thank you very much for 10 your time. 11 THE WITNESS: Thank you. 12 MR. GUSS: Thank you, Carolyn. 13 THE HEARING OFFICER: I believe, Mr. Guss, 14 this is as far as you're prepared to proceed today; is 15 that correct? 16 MR. GUSS: Yeah. This went much faster than 17 I was anticipating. 18 THE HEARING OFFICER: All right. So we're 19 going to recess. But before we do, is it possible for 20 us to set dates, at least the next date and maybe one 21 thereafter, so that we can have time to clear our 22 calendars? 23 MR. GUSS: The only day I'm not available due 24 to a medical appointment is April 27th, but otherwise 25 I'm free any day.</p>	<p>Page 87</p>
<p>1 that comment by saying that he was going to – that he 2 had the power to remove me from the committee. 3 BY MR. GUSS: 4 Q. Do you recall what comment you made? 5 A. I'm not sure of the exact comment I made. 6 There were several times that I had made comments, but I 7 believe it had to do with him calling the meeting to 8 order at the board of directors. 9 Q. Was that the meeting on December 18th and 10 19th? 11 A. Yes. 12 Q. Were you critical of Mr. Brown's – 13 THE HEARING OFFICER: Leading. Leading. 14 Leading. Leading. 15 THE WITNESS: Okay. Sorry. Sorry. 16 BY MR. GUSS: 17 Q. Did you attend the meeting on December 18th 18 and 19th? 19 A. I did. Both days. 20 Q. Was the meeting called to order? 21 A. It was not. 22 MR. GUSS: I have no further questions. 23 THE HEARING OFFICER: Mr. Diggs. 24 MR. DIGGS: I have no questions. 25 THE HEARING OFFICER: Very well. Thank you,</p>	<p>Page 86</p>	<p>1 MR. DIGGS: Just to be clear, would the next 2 date be to hear the remainder of Mr. Guss's witnesses? 3 THE HEARING OFFICER: I think that would be 4 the most orderly way to conclude this part, and then 5 deal with the Walls case, so that we're not breaking 6 the two cases up. 7 MR. DIGGS: Agreed. 8 MR. ANDONIAN: So Mr. La Rue, would it be 9 possible, then, to – for the next day, it sounds like 10 Mr. Guss would be able to do the rest of his case in not 11 the entire day. 12 Should Mr. Diggs and I be prepared to argue or 13 address any questions you have on our motions for the 14 second part of that day so that we can move forward from 15 there? 16 THE HEARING OFFICER: I think that would be 17 a prudent thing for both of you to anticipate that we 18 will do. 19 So what are we – let me see what I can make 20 available. 21 I'm fairly flexible, can move some things 22 around, between the week of the 25th through May 6th. 23 MR. GUSS: And I just want to note for the 24 record that one of my witnesses, Richard Wake, has 25 requested 72 hours' notice. It doesn't sound like</p>	<p>Page 88</p>

<p>1 that's going to be a problem, but I just want to make 2 sure everyone is aware of that, because he needs to 3 request leave. 4 THE HEARING OFFICER: Okay. He'll be your 5 next witness? 6 MR. GUSS: Yeah, he'll be my next witness. 7 THE HEARING OFFICER: Okay. So we should be 8 able to do that. 9 MR. ANDONIAN: Would next Friday, the 29th -- 10 that's next Friday? Yes, next Friday, the 29th? 11 MR. GUSS: That works for me, after 9:30 a.m. 12 9:30 a.m. or after, that works. But I have a meeting 13 from 8:00 to 9:00, a medical appointment. 14 THE HEARING OFFICER: Yes, I can do Friday, 15 April 29th as well. 16 MR. DIGGS: I have that date available. 17 THE HEARING OFFICER: You do or do not? 18 MR. DIGGS: I do. 19 THE HEARING OFFICER: Do. Okay. So 20 April 29th. 21 Given -- Mr. Guss, given your appointment, 22 would a 10:30 start be okay? 23 MR. GUSS: Yeah. Even a 10:00 would be fine, 24 but 10:30 is very generous. Thank you. 25 THE HEARING OFFICER: So let's plan 10:30</p>	<p>Page 89</p>	<p>1 break for longer after the 29th, at least we would be -- 2 if we're done with Mr. Guss's case, we'd have issues 3 teed up to open in Ms. Walls case. And so that would be 4 a natural breaking point of sorts, if we needed to, just 5 for whatever that observation is worth. 6 THE HEARING OFFICER: Given that I'm not going 7 to be available that week, and so my next truly 8 available would be the 15th of -- I think that's a 9 Monday -- of May. 10 MR. DIGGS: The next date would be Monday -- 11 MS. GRDINA: The 15th is a Sunday. 12 THE HEARING OFFICER: Okay. The 16th of May, 13 then, which is Monday. 14 MR. ANDONIAN: So I'm actually unavailable 15 every day that week except Thursday the 19th. And my 16 client is actually not available on that date. So, 17 unfortunately, that week is out for me. 18 MS. WALLS: I would be available if we started 19 at 11:15; right? But that's later than it sounds like 20 we're starting. But that would allow for that. 21 One other question, maybe I missed this. But 22 is it too crazy to -- like, if everybody's stuff starts 23 on the 3rd or past that and we're doing the 29th, is the 24 2nd not an option, just to move it along? 25 THE HEARING OFFICER: Mr. Diggs has a possible</p>	<p>Page 91</p>
<p>1 Pacific time on April 29. 2 Can we get another date? 3 MR. DIGGS: The issue with the other date, by 4 starting on the 29th, Mr. La Rue, I start trial and I 5 actually will be in Merced starting on the 3rd of May, 6 and it's anticipated to go a couple weeks. So I don't 7 necessarily have an end date depending on how long 8 voir dire and everything goes. That will be the only 9 issue I run into. 10 THE HEARING OFFICER: And remember, according 11 to my order, I'm unavailable from the 7th through the 12 15th. 13 MR. ANDONIAN: I'll be out of the country. 14 MR. DIGGS: I think what I can do is I think I 15 have a call in to the court next week, and it's 16 anticipated -- it hasn't been confirmed yet -- but that 17 there may be a motion to continue it. Should it be 18 continued, I can find out. 19 But if you would grant me some time to kind of 20 finalize that, obviously, as soon as I find out, I'll 21 send an email and let everyone know my availability if 22 the trial doesn't move forward on the 3rd of May. 23 MR. ANDONIAN: And if I could add to that, I 24 mean, it sounds like -- obviously, we all want to do 25 this as expeditiously as possible, but if we had to</p>	<p>Page 90</p>	<p>1 court -- 2 MS. WALLS: He said starting the 3rd, though; 3 right? So the 2nd is a Monday. 4 MR. DIGGS: Yeah. I have to prepare, not just 5 show up. I wish it was that easy but no. 6 MR. GUSS: I'm starting to understand how much 7 preparation goes into these things. So I understand. 8 THE HEARING OFFICER: Yes. It's a unique 9 concept. We lawyers have to keep it in mind, otherwise 10 we get admonished. 11 MR. DIGGS: Right. 12 THE HEARING OFFICER: It sounds like perhaps 13 the best thing to do is, Mr. Diggs, clarify what your 14 availability will be, get that message out to all of us, 15 and we'll see about trying to set the date after the 16 29th. 17 MR. GUSS: I could also do a week from today. 18 That's fine. If that works better to move it up, it 19 doesn't really matter whether it's a Friday or Tuesday 20 to me. 21 MR. ANDONIAN: And so, unfortunately, I'm 22 going to be out of town on work travel next Monday 23 through Wednesday. 24 MR. GUSS: What about -- I mean, if we had it 25 on Thursday, then that would leave Friday potentially to</p>	<p>Page 92</p>

<p>1 at least start Ms. Walls's matter, I would think, maybe. 2 I mean, I don't know. 3 MR. ANDONIAN: So my only issue is I'm 4 supposed to be presenting a seminar for a couple of 5 hours in the middle of the day East Coast time from 6 12:00 until 2:00 that day. That's been planned for a 7 while. So I would be happy to do something. Also, 8 taking into account my client's schedule, but -- 9 MR. GUSS: I would anticipate, given what just 10 happened, that I would think that we could be completed 11 with my witnesses, if we started in the afternoon, by 12 5:00, 4:00 or 5:00 our time. So I'm just trying to make 13 it work. That's all. 14 MR. DIGGS: Well, they're the East Coast. I 15 don't know if Mr. La Rue -- that's 7:00 or 8:00 at 16 night. 17 THE HEARING OFFICER: Yes. Thank you, 18 Mr. Diggs. I'm not as young a man as I used to be. 19 MR. ANDONIAN: I mean, we could start -- well, 20 let me speak for myself and not for Mr. La Rue and 21 Ms. Grdina. 22 We could start at 3:00 Eastern on Thursday the 23 28th, assuming that's okay with my client and everyone 24 else. And it sounds like, you know, two, three hours 25 should get us through the rest of Mr. Guss's case and</p>	<p>Page 93</p>	<p>1 THE HEARING OFFICER: You're still intending 2 to submit your briefs this Thursday? 3 MR. ANDONIAN: Yes. 4 THE HEARING OFFICER: All right. All right. 5 Then that will give me a week. So that's not a 6 consideration. 7 So would the 28th and the 29th work for 8 everybody? 9 MR. GUSS: Works for me. 10 THE HEARING OFFICER: All right. So the 28th, 11 we would start at 3:00 p.m. Eastern. That's noon 12 Pacific. 13 On the 29th, we would start at 10:30 Pacific. 14 That's 1:30 Eastern. 15 MR. GUSS: Sounds good. I'm good with that. 16 THE HEARING OFFICER: All right. It sounds as 17 if we've got dates. Thank you very much, everyone. 18 MR. DIGGS: Really quick, Mr. La Rue. 19 THE HEARING OFFICER: Yeah. 20 MR. DIGGS: Since we are submitting our briefs 21 simultaneously -- 22 THE HEARING OFFICER: Yes. 23 MR. DIGGS: -- what time should we have for 24 Thursday to submit them by? 25 THE HEARING OFFICER: Let's see. If it's 5:00</p>	<p>Page 95</p>
<p>1 some of the argument on the motion. And then we would 2 have Friday to do whatever is left, unless that's just 3 jamming it in too much. But that's an option. 4 THE HEARING OFFICER: So you're suggesting can 5 we do two successive days, the 28th and the 29th? 6 MR. ANDONIAN: If we started at, let's say, 7 3:00 Eastern on Thursday, we can certainly do as much 8 as everyone on the East Coast -- 9 MR. GUSS: 3:00 Eastern is noon Pacific, so 10 making sure we're right on the time zones. 11 MR. ANDONIAN: That's correct. Yeah. And 12 then that would then also give us from 10:30 Pacific, 13 1:30 Eastern, on Friday until however. 14 So that would buy us a few extra hours, which 15 might well be, you know, the rest of Mr. Guss's case, 16 arguments on the brief; and then Friday we could 17 actually get to openings and maybe perhaps finish the 18 case, if we whittled everything down by then. 19 THE HEARING OFFICER: What I'm concerned about 20 is I don't know the length of your written presentations 21 and will need some time to review them. I'm a little 22 bit concerned that that may be a little too tight. 23 MR. ANDONIAN: That's fine. 24 MR. GUSS: Yeah, that's fine. I was just 25 trying to be as flexible as possible.</p>	<p>Page 94</p>	<p>1 Eastern, it's 3:00 for you -- or 2:00 for you. 2 MR. DIGGS: No. That's 2:00. 3 THE HEARING OFFICER: 6:00 Eastern, 3:00 4 Pacific. 5 MR. GUSS: Do I have to file a written brief, 6 or can I just choose not to respond to that? 7 THE HEARING OFFICER: You need not. This 8 doesn't concern your case; so you do not have any 9 responsibility to submit anything. 10 MR. GUSS: Okay. Thank you. 11 MR. ANDONIAN: And, Mr. La Rue, if we get you 12 our concise paragraph framing the position paper by, 13 say -- I don't know -- 10:00 Eastern tomorrow morning, 14 would that be sufficient? 15 THE HEARING OFFICER: That would be 16 sufficient, yes. 17 MR. DIGGS: And just lastly, I know that -- 18 I don't think counsel and I discussed it, Mr. La Rue. 19 Would you want -- and we could do it quickly or we don't 20 have to. Would you want us to do any reply briefs at 21 all? 22 THE HEARING OFFICER: I think no. I think, if 23 there are still questions, we'll take them verbally in 24 oral argument -- 25 MR. DIGGS: Okay.</p>	<p>Page 96</p>

<p>1 THE HEARING OFFICER: -- when we resume on 2 Friday, on the 29th. 3 MR. DIGGS: Okay. So Thursday will be to 4 finish up Mr. Guss's case. 5 THE HEARING OFFICER: That's correct. 6 MR. DIGGS: And then Friday will be the 7 motion. And then if there's anything left over, we'll 8 go from there. 9 THE HEARING OFFICER: Correct. 10 MR. ANDONIAN: I guess my only suggestion 11 would be, if Mr. Guss's case -- you know, it sounds like 12 maybe he doesn't have that much left to go and we've got 13 two or three hours on Thursday, I mean, if we can get, 14 you know, arguments on the motion in, it would tee up 15 Friday for just pure openings and testimony. 16 THE HEARING OFFICER: If you're done, I'm 17 ready to go. I'll be ready to go on the afternoon of 18 the 28th. 19 MR. ANDONIAN: Great. 20 MR. DIGGS: That works. 21 MR. GUSS: Okay. 22 THE HEARING OFFICER: So just to make certain, 23 we'll finish up the Guss case on the 28th. If we finish 24 reasonably early enough to take up the investigation of 25 the Walls matter, we'll do that, dispose of that.</p>	<p>Page 97</p>	<p>1 for their cooperation. You've done a good job thus far. 2 Let's keep it up. 3 MR. GUSS: Thank you. 4 MR. ANDONIAN: Thank you. 5 MR. GUSS: Have a great day, everybody. 6 Take care. 7 MR. DIGGS: You as well. 8 THE HEARING OFFICER: We're off the record. 9 (Whereupon the proceedings adjourned at 10 2:31 p.m.) 11 --oOo-- 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 99</p>
<p>1 And on the 29th, we'll go right into either 2 opening statements if they weren't done the day before 3 or we'll start with witness testimony if the opening 4 statements are completed. 5 I think that's our -- everybody understands 6 that that's our plan? 7 MR. GUSS: Yes. 8 MR. ANDONIAN: Yes, that is. Thank you. 9 MR. GUSS: Yeah. And I guess I just have a 10 further question, because I'm on annual leave. I know 11 I have the option to ask questions as part of Walls's 12 case, but if it extends beyond Friday, which I'll 13 request off, am I mandated to attend the Walls portion 14 of the hearing, since my case will be concluded? 15 THE HEARING OFFICER: No. You will have 16 presented your case. It will be in and on the record. 17 MR. GUSS: Okay. Thank you. 18 THE HEARING OFFICER: Just understand that 19 if you're not here you would waive any right to ask 20 questions, that we're not going to adjourn or recess. 21 MR. GUSS: Yeah. Yeah. I understand that. I 22 just need to look at my calendar with work and schedule 23 things. That's all. 24 THE HEARING OFFICER: Very well. All right. 25 I think we have a plan. And I want to thank everyone</p>	<p>Page 98</p>	<p>1 REPORTER'S CERTIFICATE 2 State of California)) ss. 3 County of Sacramento) 4 I, EMILY SAMELSON, a Certified Shorthand 5 Reporter of the State of California, duly authorized to 6 administer oaths, do hereby certify: 7 That I am a disinterested person herein; that 8 the proceedings were reported in shorthand by me, EMILY 9 SAMELSON, a Certified Shorthand Reporter of the State of 10 California, and thereafter transcribed using 11 computer-aided transcription and is a true and correct 12 record of the testimony so given. 13 IN WITNESS WHEREOF, I hereby certify this 14 transcript at my office in the County of Sacramento, 15 State of California, 6th of May, 2022. 16 17 18 19 20 21 22 23 24 25</p> <hr/> <p>EMILY SAMELSON, CSR NO. 14043 Certified Shorthand Reporter of the State of California</p>	<p>Page 100</p>

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<p>1 SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE 2 LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE 3 --oOo-- 4 IN THE MATTER OF THE) 5 PROCEEDING BETWEEN) 6 MICHAEL GUSS, DISTRICT LABOR) 7 COUNCIL 794, ANICA WALLS,) 8 VICE PRESIDENT FOR) 9 ORGANIZING AND) Amended Internal Dispute 10 REPRESENTATION, SERVICE) 22-02-HR1 11 EMPLOYEES INTERNATIONAL) 12 UNION ("SEIU"), LOCAL 1000,) Internal Dispute 13 SEIU,) 22-03-HR1 14) 15 Charging Parties,) NHO FILE NO.: 16 -AND-) 220316-BROW 17) 18 RICHARD LOUIS BROWN,) 19 PRESIDENT (SUSPENDED),) 20 SERVICE EMPLOYEES) 21 INTERNATIONAL UNION) 22 ("SEIU"), LOCAL 1000, SEIU,) 23) 24 Charged Party.) 25) 26 RE: Disciplinary Charges) 27) 28 --oOo-- 29 REPORTER'S TRANSCRIPT OF PROCEEDINGS 30 DAY 2 31 Tuesday, May 31, 2022 32 Pages 101 - 132 33 CERTIFIED 34 CONDENSED 35 22-179 36 Stenographically Reported By: 37 ROSE GONI DAVIS, CRR/RMR, CSR 8760</p>	<p>1 INDEX OF EXAMINATION 2 3 4 WITNESSES: 5 PAMELA CASTRO (for Charging Party Guss) 6 Direct Examination by Mr. Guss 113 7 Cross-Examination by Mr. Diggs 124 8 Redirect Examination by Mr. Guss 125 9 10 CHARGING PARTY GUSS HEARING CLOSED 127 11 12 --oOo-- 13 Reporter's Certificate for Day 2 hearing 132 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 APPEARANCES 2 (All parties appearing remotely) 3 4 The Neutral Hearing Officer: 5 LA RUE DISPUTE RESOLUTION SERVICES 6 BY: HOMER C. LA RUE 7 5305 Village Center Drive, Suite 339 8 Columbia, Maryland 21044 9 301.332.9227 10 homer@laruedisputeresolution.com 11 12 For the Charging Party Walls: 13 CALEBANDONIAN PLLC 14 BY: PHILIP ANDONIAN, ESQ. 15 1100 H Street, N.W., Suite 315 16 Washington, D.C. 20005 17 202.953.9850 18 phil@calebandonian.com 19 20 For the Charging Party Guss: 21 IN PROPRIA PERSONA 22 BY: MICHAEL GUSS 23 775.741.5117 24 michaelguss.nv@gmail.com 25 26 For the Charged Party Brown: 27 IVIE MCNEILL WYATT PURCELL & DIGGS 28 BY: KAELEN S. DAVIS, ESQ. 29 444 South Flower Street, 18th Floor 30 Los Angeles, California 90071 31 213.489.0028 32 kdavis@imwlaw.com 33 34 Also Present: 35 Betty Grdina, Neutral Case Adviser 36 Lisa Mattson, Zoom Host</p>	<p>1 INDEX OF EXHIBITS 2 3 Guss Exhibits 4 NUMBER ID EVD 5 Exhibit A 119 6 Exhibit O 122 7 8 /// 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 105</p> <p>1 BE IT REMEMBERED that on Tuesday, May 31, 2022, 2 commencing at the hour of 1:02 p.m., via Zoom 3 videoconference, before me, ROSE GONI DAVIS, a Certified 4 Shorthand Reporter of the State of California, the 5 following proceedings took place as hereinafter set forth. 6 ---oOo---</p> <p>7 THE HEARING OFFICER: Good afternoon, 8 everybody.</p> <p>9 Let me start by indicating that today is 10 May 31st, 2022, and this is the second day of hearing in 11 the matter of Guss, et al. versus Brown, which is an 12 internal union dispute.</p> <p>13 I'm going to ask everyone to enter their 14 appearance on the record, beginning with Mr. Guss.</p> <p>15 You're muted, Mr. Guss.</p> <p>16 MR. GUSS: Michael Guss. I'm a party to the 17 case and representing myself pro se.</p> <p>18 THE HEARING OFFICER: And Ms. Davis.</p> <p>19 MS. DAVIS: Kaelin Davis on behalf of charged 20 party, Richard Brown.</p> <p>21 THE HEARING OFFICER: And Mr. Brown is not 22 present; correct?</p> <p>23 MS. DAVIS: Correct.</p> <p>24 THE HEARING OFFICER: Very well.</p> <p>25 Mr. Andonian.</p>	<p style="text-align: right;">Page 107</p> <p>1 You understand that that makes this an 2 extraordinary request on the part of the Charged Party? 3 MS. DAVIS: Yes. I understand.</p> <p>4 THE HEARING OFFICER: Mr. Guss, do you want to 5 be heard?</p> <p>6 MR. GUSS: Yes.</p> <p>7 I wish to point out that Mr. Brown is, in 8 fact, on full-time union leave; that as an SEIU member, 9 we're paying 150 percent of his salary, which is the 10 agreement that we have with the state for union leave; 11 that, since he is suspended, he, in fact, has no duties; 12 that I worked with y'all when you selected this day and 13 significantly changed and made people available on 14 vacation -- including Ms. Pam Castro, who is in the 15 waiting room, who I anticipate to be the only witness 16 that I call.</p> <p>17 You know, every time we have a date, it gets 18 changed. And the problem is, the strategy from 19 Mr. Brown seems to be, you know, the first time that 20 happened and the second time that happened, people were 21 requesting leave.</p> <p>22 I am not granted union leave nor are any of 23 the witnesses here. And so, you know, every time they 24 take leave and then the hearing doesn't happen, then -- 25 or, in Ms. Castro's case, she's on vacation and then the</p>
<p style="text-align: right;">Page 106</p> <p>1 MR. ANDONIAN: Good afternoon. Phil Andonian 2 on behalf of charging party Anica Walls, who is also 3 present.</p> <p>4 THE HEARING OFFICER: And present is the 5 hearing officer, Homer La Rue, and the neutral case 6 administrator, Ms. Grdina.</p> <p>7 MS. GRDINA: Hello. Hi.</p> <p>8 THE HEARING OFFICER: I will remind everybody 9 that the matter is being recorded.</p> <p>10 I will start off by indicating that 11 approximately one hour ago the hearing officer received 12 notice from Ms. Davis requesting a recess of today's 13 proceeding, indicating that Mr. Brown had an emergency.</p> <p>14 Ms. Davis, please state your application on 15 the record and the reason for your requested recess.</p> <p>16 MS. DAVIS: Charged Party Mr. Brown is 17 requesting a recess. And for reasons that I cannot 18 disclose due to privacy and attorney-client privilege, 19 he is unavailable today.</p> <p>20 THE HEARING OFFICER: Ms. Davis, the Charged 21 Party is requesting a last-minute recess after everyone 22 was placed on notice of the date and time for this 23 hearing. You're asking the hearing officer to grant 24 this recess based upon no explanation, no factual basis 25 for the recess.</p>	<p style="text-align: right;">Page 108</p> <p>1 hearing doesn't happen and she took time out of it -- 2 it's not -- you know, I've already had instances where 3 witnesses don't want to come back because they don't 4 want to keep with the union leave. And I think this is 5 a cynical strategy from Mr. Brown, and I'm, frankly, 6 kind of sick of it.</p> <p>7 THE HEARING OFFICER: Mr. Andonian, do you 8 want to be heard on this application?</p> <p>9 MR. ANDONIAN: Yes. Thank you, Mr. La Rue.</p> <p>10 I guess I don't know what to say other than I 11 guess, if I'm reading between the lines, it sounds like 12 counsel is in a difficult predicament with respect to 13 her client. But, certainly, that doesn't entitle 14 Mr. Brown to any leeway.</p> <p>15 So I support Mr. Guss in his objection. I 16 think this needs to proceed and this case needs to end.</p> <p>17 THE HEARING OFFICER: Ms. Davis, do you wish 18 to reply?</p> <p>19 MS. DAVIS: Just briefly.</p> <p>20 Charged Party Brown did -- I was able to speak 21 with him, but, like I said, he did have an emergency. 22 I'm unable to disclose that due to attorney-client 23 privilege. But I do understand the difficult position 24 that I have put you as well as the parties in.</p> <p>25 THE HEARING OFFICER: Is there anything else</p>

<p style="text-align: right;">Page 109</p> <p>1 to be said in support or in opposition to the 2 application? 3 The hearing officer will recess for 4 10 minutes -- 15 minutes. We will resume again at 4:25. 5 I'll make a ruling. 6 (Break taken.) 7 MR. GUSS: Sorry. I pressed the wrong button 8 when I went back to the meeting. 9 THE HEARING OFFICER: We're back on the 10 record? 11 THE REPORTER: Yes, sir. 12 THE HEARING OFFICER: Having heard the 13 application of Charged Party Brown on behalf of -- by 14 his counsel, Ms. Davis, for requesting an emergent -- 15 requesting a recess of today's hearing, the Court -- the 16 purported reason for the request is that Mr. Brown has 17 had an emergency, but Ms. Davis has represented she's 18 unable to state the nature of the emergency because of 19 attorney-client privilege with regard to that 20 communication. 21 Charging parties both oppose the recess. 22 The hearing officer has considered the 23 application as well as the arguments in opposition and 24 has ruled against granting the recess. All parties were 25 given adequate notice of today's hearing. The</p>	<p style="text-align: right;">Page 111</p> <p>1 place -- in a private place where no one can overhear 2 your testimony? 3 MS. CASTRO: Yes, I am. 4 THE HEARING OFFICER: There's no one with you, 5 then. 6 MS. CASTRO: No. There's nobody in this house 7 except me right now. 8 THE HEARING OFFICER: Very well. 9 Do you have any documents in front of you that 10 pertain to this matter? 11 MS. CASTRO: I just have a few notes that I 12 wrote to myself. 13 THE HEARING OFFICER: I'm going to ask you to 14 turn those notes over. 15 MS. CASTRO: Okay. 16 THE HEARING OFFICER: And do not view those 17 unless Mr. Guss asks you to do so, so that we all know 18 what you're looking at at the time you're being 19 examined. 20 MS. CASTRO: Okay. 21 THE HEARING OFFICER: Do you have any 22 documents up on any device in front of you that pertains 23 to this matter? 24 MS. CASTRO: No, I do not. 25 THE HEARING OFFICER: Very well.</p>
<p style="text-align: right;">Page 110</p> <p>1 application was made one hour before the start of the 2 hearing, and no reason was given for the basis of the 3 emergency. Therefore, the request is denied. 4 Mr. Guss, are you prepared to proceed with 5 your case? 6 MR. GUSS: I am. I am, and I would like to 7 call Pam Castro as a witness. 8 THE HEARING OFFICER: Ms. Mattson, would you 9 let her into the hearing room, please. 10 MS. CASTRO: Hello. 11 THE HEARING OFFICER: Hello, Ms. Castro. 12 MS. CASTRO: Yes. 13 THE HEARING OFFICER: My name is Homer La Rue, 14 and I'm the hearing officer for today. 15 Can you hear me okay? 16 MS. CASTRO: Yes, I can. 17 THE HEARING OFFICER: All right. I'm going to 18 ask you a few preliminary questions before Mr. Guss 19 begins his direct examination. And then Mr. Andonian 20 may have some questions for you as well. And then 21 cross-examination by Ms. Davis. 22 One second. I'm sorry. My phone keeps 23 buzzing. 24 MS. CASTRO: Okay. 25 THE HEARING OFFICER: Ms. Castro, are you in a</p>	<p style="text-align: right;">Page 112</p> <p>1 Do you have any questions about how we're 2 going to proceed today? 3 MS. CASTRO: No. I don't believe so. 4 THE HEARING OFFICER: Okay. One last 5 admonition. There is a court reporter who is recording 6 the testimony. So I would ask you to take a one, two 7 count before you begin your answer to any question to 8 ensure that we hear the whole question and hear the 9 start of your answer. All right? 10 MS. CASTRO: Okay. 11 THE HEARING OFFICER: If at any time Ms. Davis 12 objects to a question, I'm going to ask you to stop 13 answering until I've ruled on the objection. 14 MS. CASTRO: Okay. 15 THE HEARING OFFICER: Very well. 16 All right. If you'll raise your right hand to 17 be sworn in. 18 Do you swear or affirm that the testimony 19 you're about to give in this proceeding will be the 20 truth and the whole truth? 21 THE WITNESS: I do. 22 THE HEARING OFFICER: Thank you. 23 PAMELA CASTRO, 24 called as a witness on behalf of the Charging 25 Party Guss, was sworn and testified as follows:</p>

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1 THE HEARING OFFICER: Mr. Guss, you may
2 proceed.
3 MR. GUSS: Thank you, Officer La Rue.
4 DIRECT EXAMINATION
5 BY MR. GUSS:
6 Q. I -- so what is your name?
7 **A. Pamela Castro.**
8 Q. Have you ever been an employee of the State of
9 California?
10 **A. Yes, I have.**
11 Q. When were you an employee for the State of
12 California, from and to?
13 **A. From October 14th, 2008, until January 31st of**
14 **this year, 2022. I just retired.**
15 Q. Okay. Were you a member of Local 1000 while
16 you were a state employee?
17 **A. Yes, I was.**
18 Q. Were you a steward of Local 1000 while you
19 were a state employee?
20 **A. Yes, I was.**
21 Q. When was Richard Brown elected president of
22 SEIU Local 1000?
23 **A. I believe it was June or July of 2021.**
24 Q. Did Mr. Brown make videos about Local 1000
25 after his election?

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1 **A. Yes, he did.**
2 Q. Did you watch those videos?
3 **A. Yes, I did watch most of them.**
4 Q. Did you watch a video on September 15th, 2022
5 [sic]?
6 **A. May I check my notes?**
7 Q. No.
8 **A. Okay. Then I can't say for sure whether I**
9 **watched a video on that date or not.**
10 Q. Okay. Did you participate in Facebook
11 comments related to the multiple videos that Mr. Brown
12 posted from July until January?
13 THE HEARING OFFICER: Mr. Guss, was that
14 question Facebook?
15 MR. GUSS: Yeah, Facebook. Facebook, yeah.
16 THE HEARING OFFICER: Thank you.
17 MS. DAVIS: I'm just going to object as to
18 relevance and scope as to the dates of these videos.
19 THE HEARING OFFICER: Okay. Mr. Guss.
20 MR. GUSS: The videos -- I would say the
21 videos include the alleged conduct of Mr. Brown, which
22 is, while the witness is here, all I'm going to say
23 about that. So, you know, they're definitely relevant.
24 I hear the time.
25 THE HEARING OFFICER: Mr. Guss, are the videos

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1 prior to the time that you filed your charge in this
2 matter?
3 MR. GUSS: Yes. They all are. They all are.
4 THE HEARING OFFICER: Ms. Davis, response.
5 MS. DAVIS: Yes. Just so the witness is
6 aware, the date of the charge and the videos that are at
7 issue here, I believe, in September of 2021.
8 THE HEARING OFFICER: I'm not sure what you
9 just said, Ms. Davis.
10 MS. DAVIS: Yes. I just want to be sure the
11 witness is aware of the dates of the videos and the date
12 of the charge.
13 THE HEARING OFFICER: All right, Mr. Guss.
14 Lay that foundation, please. The specific dates of the
15 videos that you're asking --
16 MR. GUSS: Yeah, the specific --
17 THE HEARING OFFICER: Whoa, Mr. Guss --
18 Mr. Guss -- Mr. Guss, please. We have a court reporter.
19 Don't talk over me, please.
20 MR. GUSS: Okay. Sorry. Sorry. Sorry.
21 THE HEARING OFFICER: Lay down the dates that
22 you want the witness to focus on with regard to the
23 videos.
24 MR. GUSS: Yeah. It would be September 15th,
25 2021; December 8th, 2021; December 31st, 2021; and I

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1 believe January 12th and January 19th, 2022.
2 I filed the charge at the end of
3 February 2022. The exact date escapes me. But I filed
4 it slightly before Ms. Walls filed her charge.
5 THE HEARING OFFICER: Very well.
6 Ms. Davis, the objection is overruled.
7 MR. GUSS: So can I have the court reporter
8 repeat the question that I asked?
9 (Record read back as follows:
10 "Question: Did you participate in
11 Facebook comments related to the multiple
12 videos that Mr. Brown posted from July
13 until January?")
14 **THE WITNESS: Yes, I did.**
15 BY MR. GUSS:
16 Q. Were -- what were your -- what did you comment
17 on?
18 **A. I don't remember what I specifically commented**
19 **on, but I did participate by watching. And I made**
20 **several comments over the months about specific things**
21 **that were being said.**
22 **And Mr. Brown at one point -- I can't remember**
23 **what month it was. But he called me a racist. And he**
24 **stated that I was a paid political actor for the Freedom**
25 **Foundation, all of which was not true.**

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1 Q. Okay. Did you watch a video on December 8th,
2 2022 [sic]?

3 A. I believe I did, yes, watch a video. It was
4 approximately December 8th. Yes.

5 Q. Did Richard Wake participate in that call?

6 A. I believe he did. I believe, yes.

7 THE HEARING OFFICER: What's that last name,
8 please, Mr. Guss?

9 MR. GUSS: What?

10 THE HEARING OFFICER: What was that last name,
11 please?

12 MR. GUSS: Wake, W-a-k-e.

13 THE HEARING OFFICER: Thank you.

14 MR. GUSS: Yeah, sorry. There's feedback on
15 my end. I'm having a hard time hearing a little bit.
16 If other parties can mute their lines so I
17 don't hear the feedback. I don't know if Ms. Castro is
18 also hearing the feedback, but I think somebody has the
19 mic open.

20 THE HEARING OFFICER: There are no open mics
21 except you, me, and Ms. Castro.

22 MR. GUSS: Okay. Okay.

23 BY MR. GUSS:

24 Q. Do you recall -- Ms. Castro, do you recall an
25 interaction between Mr. Wake and Mr. Brown at that

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1 hearing?

2 A. Yes, I do.

3 Q. What was that interaction about?

4 A. If I recall correctly, this is when Richard
5 Wake announced to Mr. Brown that he was stepping down as
6 DLC president for personal reasons and that Ben Arriaga
7 was going to be taking his place as DLC president.

8 Q. What was Mr. Brown's reaction to that
9 announcement from Mr. Wake?

10 A. I don't remember the exact words, but I do
11 remember that he exploded. He and Richard Wake had
12 words together. This is when Mr. Brown threatened
13 Mr. Wake by saying, "Come to my house and face me
14 personally." And he gave Mr. -- he gave out his address
15 on the video at that time. He said, you know, "Come to
16 my house." And --

17 MR. GUSS: I move to -- thank you.

18 I move to introduce Guss Exhibit A into the
19 record.

20 THE HEARING OFFICER: That has already been
21 introduced, I believe, has it not?

22 MR. GUSS: No. That was Exhibit B. Because
23 we had to take witnesses out of order.

24 THE HEARING OFFICER: Ms. Davis, your position
25 with regard to Exhibit A, which is an MP4 file?

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1 MS. DAVIS: Sorry. Can you repeat that?

2 THE HEARING OFFICER: Exhibit A is an MP4
3 file, compressed size, 16745 kilobytes.

4 MS. DAVIS: No objection.

5 THE HEARING OFFICER: Received in evidence.
6 (Guss Exhibit A received in evidence.)

7 MR. GUSS: I request, if possible, that it be
8 played for Ms. Castro. Because I think it will verify
9 what she says.

10 THE HEARING OFFICER: Well, there's been no
11 challenge to what she has said, if that's the reason
12 you're playing it. If there is, then you can play it
13 then.

14 MR. GUSS: Okay.

15 THE HEARING OFFICER: I have it. I will
16 certainly play it.

17 MR. GUSS: Okay.

18 BY MR. GUSS:

19 Q. Do you recall a video -- Ms. Castro, do you
20 recall -- did Mr. Brown post a video on December 31st?

21 A. Yes, I believe he did, if I recall correctly.

22 Q. Yeah, okay. And was there a board meeting of
23 Local 1000, I believe it was December 28th?

24 A. Yes.

25 Q. And in the hearing on December 31st, did

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1 Mr. Brown reference the board of directors meeting on
2 December 28th?

3 A. Yes, he did.

4 Q. And what did he reference?

5 A. I remember that he was very angry about the
6 fact that the board of directors had voted down the
7 budget, had not approved his budget. And he said
8 something to the effect that "All these board members
9 need to have their credit checked. We should check
10 their credit scores." And I can't remember exactly why
11 he said that, but he was very angry about the board.

12 And there was a member of the board, Carolyn
13 Alluis I believe is how her last name is pronounced, who
14 was on the COPE committee. And he stated that he was --
15 he's going to remove her from the COPE committee for --
16 because she participated in voting down the budget.

17 Q. Thank you.

18 I move to -- I move to enter into the record
19 Guss Exhibit O.

20 THE HEARING OFFICER: That is Mr. Brown's
21 video?

22 MR. GUSS: December 31st. I did submit it
23 later; so I recognize there would probably be an
24 objection to that.

25 THE HEARING OFFICER: O was -- this is a

<p style="text-align: right;">Page 121</p> <p>1 YouTube video, which is --</p> <p>2 MR. GUSS: Yeah. Mr. Brown posted this to his</p> <p>3 personal YouTube page.</p> <p>4 THE HEARING OFFICER: Is this -- before I ask</p> <p>5 Ms. Davis's position on this, when was this video</p> <p>6 created, Mr. Guss?</p> <p>7 MR. GUSS: It was created and posted on</p> <p>8 December 31st, 2021.</p> <p>9 THE HEARING OFFICER: Ms. Davis, what is your</p> <p>10 position with regard to Exhibit O, as in "Oscar"?</p> <p>11 MS. DAVIS: Charged Party's position is that</p> <p>12 it is irrelevant. It was, like Mr. Guss said, posted to</p> <p>13 his personal page and not to an SEIU page and,</p> <p>14 therefore, irrelevant. I object on that -- on those</p> <p>15 grounds.</p> <p>16 MR. GUSS: I note that he reported --</p> <p>17 THE HEARING OFFICER: Mr. Guss, be careful.</p> <p>18 MR. GUSS: Sorry.</p> <p>19 THE HEARING OFFICER: Remember the court</p> <p>20 reporter.</p> <p>21 Proceed.</p> <p>22 MR. GUSS: I note that it was recorded from</p> <p>23 the SEIU Local 1000 offices even though it was posted to</p> <p>24 his personal Facebook page. That is the conference room</p> <p>25 of the Local 1000 offices that he is in in that video.</p>	<p style="text-align: right;">Page 123</p> <p>1 referred to both you and Richard Wake.</p> <p>2 Q. And was that rally before or after the recall</p> <p>3 election of Gavin Newsom?</p> <p>4 A. I believe it was before.</p> <p>5 Q. And when was the recall election of Gavin</p> <p>6 Newsom?</p> <p>7 A. It was September, wasn't it?</p> <p>8 Q. Okay.</p> <p>9 A. Yeah.</p> <p>10 Q. I appreciate that.</p> <p>11 And then in January of 2022, did I call after</p> <p>12 the video that I just referenced?</p> <p>13 A. I believe you did. Yes.</p> <p>14 Q. Did Mr. Brown react to my comment?</p> <p>15 A. If I recall correctly, you called up and you</p> <p>16 were trying to read something from the policy file. And</p> <p>17 Mr. Brown interrupted you and cut you off totally and</p> <p>18 went on a rant and stated that you were banned from</p> <p>19 calling in at that point. He banned you from calling.</p> <p>20 Q. Was that a typical response towards a critic</p> <p>21 from Mr. Brown?</p> <p>22 A. Yes, absolutely. Yes.</p> <p>23 MS. DAVIS: Objection. Speculation.</p> <p>24 THE HEARING OFFICER: That's -- I'm not going</p> <p>25 to permit that answer.</p>
<p style="text-align: right;">Page 122</p> <p>1 THE HEARING OFFICER: Ms. Davis, anything</p> <p>2 further?</p> <p>3 MS. DAVIS: Nothing further.</p> <p>4 THE HEARING OFFICER: The objection is</p> <p>5 overruled. O is received in evidence.</p> <p>6 (Guss Exhibit O received in evidence.)</p> <p>7 BY MR. GUSS:</p> <p>8 Q. Thank you, Ms. Castro.</p> <p>9 Then after the hearing in January of 2021, did</p> <p>10 I call in to any of the SEIU Local 1000 hearings?</p> <p>11 A. Yes, you did.</p> <p>12 Q. And what do you recall about what I said?</p> <p>13 A. I remember that you had said something about</p> <p>14 the rally that he was planning to hold to support the</p> <p>15 Lassen County people.</p> <p>16 You had made a comment about the rally. And</p> <p>17 his -- I can't remember exactly what your comment was,</p> <p>18 but it was something to do with the rally.</p> <p>19 And Mr. Brown responded that -- he said you</p> <p>20 and Richard Wake -- "you" meaning you, Michael Guss, and</p> <p>21 Richard Wake should show up at the rally because you</p> <p>22 like to talk so much; so come down to the rally and meet</p> <p>23 these people from Lassen County who will be showing up</p> <p>24 with their guns and their pickup trucks. And it was</p> <p>25 said in a very threatening way. And I believe it was</p>	<p style="text-align: right;">Page 124</p> <p>1 MR. GUSS: I know. I know.</p> <p>2 THE HEARING OFFICER: Let the record reflect</p> <p>3 that that question and answer are stricken.</p> <p>4 MR. GUSS: Yes. Sorry. Sorry.</p> <p>5 I have no further questions. I did pretty</p> <p>6 good. Only on the last one.</p> <p>7 THE HEARING OFFICER: Cross-examination.</p> <p>8 MS. DAVIS: I believe -- does Mr. --</p> <p>9 MR. ANDONIAN: Nothing from me, Mr. La Rue.</p> <p>10 THE HEARING OFFICER: I'm sorry, Ms. Davis.</p> <p>11 You're correct.</p> <p>12 Mr. Andonian? Questions?</p> <p>13 MR. ANDONIAN: Nothing from me, sir. Thank</p> <p>14 you.</p> <p>15 THE HEARING OFFICER: Very well.</p> <p>16 Ms. Davis.</p> <p>17 CROSS-EXAMINATION</p> <p>18 BY MS. DAVIS:</p> <p>19 Q. Ms. Castro, so you said earlier that Mr. Brown</p> <p>20 made comments during one of the videos -- or one of the</p> <p>21 video meetings, and he called you a racist; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever file any charges against</p> <p>25 Mr. Brown or any complaints as to that comment made by</p>

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1 him?

2 A. No, I did not. I looked into it. I called

3 SEIU International, and I also called Local 1000. And I

4 was encouraged to do so. But at that time -- and like I

5 said, I don't remember the exact date. But at that

6 time, I was suffering from an accident that I had where

7 I had fallen and broken seven bones in my spine. And I

8 just didn't have enough energy to pursue filing on

9 Mr. Brown, for medical reasons.

10 MS. DAVIS: I have no further questions.

11 THE HEARING OFFICER: Are there any further --

12 is there redirect, Mr. Guss?

13 MR. GUSS: Yes.

14 REDIRECT EXAMINATION

15 BY MR. GUSS:

16 Q. As a steward -- so as a steward, did you learn

17 about the policy file?

18 MS. DAVIS: Objection as to scope. This was

19 not in the direct examination.

20 THE HEARING OFFICER: I don't --

21 MR. GUSS: It's relevant to the

22 cross-examination.

23 THE HEARING OFFICER: One second.

24 I don't usually permit scope, but this seems

25 way out.

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1 MR. GUSS: Yeah. So it's relevant because

2 part of my complaint to the international union, which

3 is still on file with them, alleges that HR-1s were not

4 processed in a timely manner by vice presidents.

5 THE HEARING OFFICER: That's not -- that's

6 beyond the scope of the cross-examination. The question

7 on cross-examination was whether a charge was filed.

8 MR. GUSS: Okay. I understand. I'd just note

9 for the record --

10 THE HEARING OFFICER: No. No note for the

11 record.

12 MR. GUSS: Okay. Thanks.

13 THE HEARING OFFICER: You may ask this witness

14 questions.

15 MR. GUSS: Okay.

16 BY MR. GUSS:

17 Q. Were you aware of any HR-1s that had been

18 filed against Mr. Brown prior to February of 2022?

19 MS. DAVIS: I, again, am going to object.

20 It's outside the scope of cross-examination.

21 THE HEARING OFFICER: Sustained.

22 MR. GUSS: Can I preserve for the record that

23 I object to the ruling on the basis that there were

24 several HR-1 complaints that were --

25 THE HEARING OFFICER: So noted.

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1 MR. GUSS: And that I have a complaint with

2 the international union --

3 THE HEARING OFFICER: So noted, your

4 objection. So noted, your objection.

5 MR. GUSS: Thank you. Thank you.

6 THE HEARING OFFICER: The ruling stands.

7 MR. GUSS: I just wanted to put that -- and,

8 with that, I rest my case.

9 THE HEARING OFFICER: Mr. Andonian, do you

10 have any other questions of this witness -- any

11 questions of this witness?

12 MR. ANDONIAN: No, Mr. La Rue, I do not.

13 Thank you.

14 THE HEARING OFFICER: Ms. Davis, is there

15 recross of this witness?

16 MS. DAVIS: No.

17 THE HEARING OFFICER: Mr. Guss, that concludes

18 your witnesses and other evidence in support of your

19 charge; is that correct?

20 MR. GUSS: That is correct.

21 THE HEARING OFFICER: Very well.

22 The Guss hearing, then, is declared closed at

23 this point. And we will take it under advisement.

24 That means, Mr. Andonian and Ms. Davis, we

25 will begin with the Walls charge on the 15th and

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1 continue the 16th and the 17th, until the charge -- the

2 hearing is completed with regard to that matter. Those

3 were the agreed-upon dates.

4 MR. ANDONIAN: Yes.

5 THE HEARING OFFICER: Is there anything else

6 that the hearing officer needs to consider today before

7 we close today's hearing?

8 MR. ANDONIAN: Mr. La Rue, just one scheduling

9 issue, a timing issue for the Tuesday of that stretch.

10 I think that's the 15th.

11 THE HEARING OFFICER: Yes. That would be the

12 first day.

13 MR. ANDONIAN: My client has a conflict in the

14 morning. Would it be possible to start after

15 11:00 o'clock?

16 Anica, is that right?

17 If we could start, instead of at 10:00, at

18 11:00 Pacific on that day?

19 THE HEARING OFFICER: Ms. Davis, do you have

20 any objection?

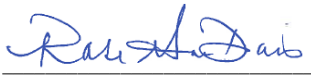
21 MS. DAVIS: I do not.

22 THE HEARING OFFICER: All right. The start on

23 Tuesday the 15th will be at 11:00 a.m. Pacific time

24 instead of 10:00 a.m.

25 MS. GRDINA: That's a Wednesday.

<p style="text-align: right;">Page 129</p> <p>1 THE HEARING OFFICER: Let's get the date. 2 Mr. Guss, you have an objection? 3 MR. GUSS: No, I don't have an objection. I 4 just have a question. 5 THE HEARING OFFICER: One second. Let me 6 finish this first. 7 Let me make sure I have the day and date 8 correct. 9 MS. DAVIS: The 15th is a Wednesday. 10 MR. ANDONIAN: Sorry. It's the -- Thursday 11 the 16th. Sorry. That's the day I was talking about. 12 THE HEARING OFFICER: 16 June, Thursday, we 13 will begin at 11:00 a.m. instead of 10:00 a.m. Pacific. 14 MS. DAVIS: Okay. 15 THE HEARING OFFICER: Correct, Mr. Andonian? 16 MR. ANDONIAN: Yes. Thank you. 17 THE HEARING OFFICER: Ms. Davis? 18 MS. DAVIS: Yes. That's fine. 19 THE HEARING OFFICER: Mr. Guss, you now can 20 ask your question. 21 MR. GUSS: Yes. 22 MS. WALLS: Sorry. I lost some sound, which 23 is why I had to jump off and come back in. 24 I think Mr. Andonian just confirmed if we 25 could start at 11:00. Is that what I just came back in</p>	<p style="text-align: right;">Page 131</p> <p>1 Does that answer your question, Mr. Guss? 2 MR. GUSS: Yeah, that does answer the 3 question. And because I need to take leave, I may only 4 attend one day, if that is okay. And I'd like to attend 5 just the last day because then I'll get everything. But 6 there is no real reason for me to be there. As you saw 7 with Mr. Andonian, the cases are kind of separate. 8 THE HEARING OFFICER: Correct. The Walls case 9 does not affect the finding or the conclusions that I 10 will make with regard to the Guss charge. 11 Are there any other questions with regard to 12 how we will proceed? 13 Mr. Andonian? 14 MR. ANDONIAN: No, Mr. La Rue. Thank you. 15 THE HEARING OFFICER: Ms. Davis? 16 MS. DAVIS: No. I have no questions. 17 THE HEARING OFFICER: Very well. 18 The hearing is closed for today. And we'll 19 resume again on the dates that we indicated. 20 MR. GUSS: Thank you so much. Have a great 21 day. 22 THE HEARING OFFICER: Wish you well to 23 everyone. Bye-bye. 24 (Whereupon, the proceedings were adjourned 25 at 1:55 p.m.)</p>
<p style="text-align: right;">Page 130</p> <p>1 on? 2 MR. ANDONIAN: Correct. 3 THE HEARING OFFICER: That is correct. 4 MS. WALLS: Perfect. Thank you. 5 THE HEARING OFFICER: You're welcome. 6 Mr. Guss. 7 MR. GUSS: I just have a question -- three 8 questions, really. 9 Number one, am I required to be at these 10 hearings? 11 Number two, is there a closing part of it? 12 And, number three, Mr. Brown provided a 13 defense list related to both my charge and Ms. Walls's 14 charge. So if those witnesses are called in defense, or 15 is my hearing just now completely over? Because I 16 obviously want to be there if they're called on defense. 17 THE HEARING OFFICER: I'll answer that 18 question first. The Guss charge is completed. There 19 will be no further testimony or evidence in the record 20 pertaining to the Guss charge. 21 With regard to whether there will be any 22 written closings, I'll reserve that until after -- until 23 sometime before the next hearing. So I'll let you know 24 and give you plenty of time if I decide that I need it. 25 Or I will allow you to make a closing.</p>	<p style="text-align: right;">Page 132</p> <p>1 REPORTER'S CERTIFICATE 2 State of California) 3) Ss. 4 County of Sacramento) 5 I, ROSE GONI DAVIS, a Certified Shorthand 6 Reporter of the State of California, duly authorized to 7 administer oaths, do hereby certify: 8 That I am a disinterested person herein; that the 9 proceedings were reported in shorthand by me, ROSE GONI 10 DAVIS, a Certified Shorthand Reporter of the State 11 of California, and thereafter transcribed using 12 computer-aided transcription and is a true and correct 13 record of the testimony so given. 14 IN WITNESS WHEREOF, I hereby certify this 15 transcript at my office in the County of Sacramento, 16 State of California, 13th of June, 2022. 17 18  19 ROSE GONI DAVIS, CSR NO. 8760 20 Certified Shorthand Reporter of 21 the State of California 22 23 24 25</p>

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<p>1 SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE 2 LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE 3 --oOo-- 4 IN THE MATTER OF THE) 5 PROCEEDING BETWEEN) 6) 7 MICHAEL GUSS, DISTRICT LABOR) 8 COUNCIL 794, ANICA WALLS,) 9 VICE PRESIDENT FOR) 10 ORGANIZING AND) Amended Internal 11 Dispute REPRESENTATION, SERVICE) 22-02-HR1 12 EMPLOYEES INTERNATIONAL) 13 UNION ("SEIU"), LOCAL 1000,) Internal Dispute 14 SEIU,) 22-03-HR1 15) 16 Charging Parties,) NHO FILE NO.: 17 -AND-) 220316-BROW 18) 19 RICHARD LOUIS BROWN,) 20 PRESIDENT (SUSPENDED),) 21 SERVICE EMPLOYEES) 22 INTERNATIONAL UNION) 23 ("SEIU"), LOCAL 1000, SEIU,) 24 Charged Party.) 25 RE: Disciplinary Charges)</p> <p>17 --oOo-- 18 REPORTER'S TRANSCRIPT OF PROCEEDINGS 19 DAY 3 20 Thursday, July 7, 2022 21 Pages 133 - 145 22 CERTIFIED 23 CONDENSED 24 22-210 25 Stenographically Reported By: ROSE GONI DAVIS, CRR/RMR, CSR 8760</p>	<p style="text-align: right;">Page 135</p> <p>1 BE IT REMEMBERED that on Thursday, July 7, 2022, 2 commencing at the hour of 12:30 p.m. PST, via Zoom 3 videoconference, before me, ROSE GONI DAVIS, a Certified 4 Shorthand Reporter of the State of California, the 5 following proceedings took place as hereinafter set 6 forth. 7 ---oOo--- 8 THE HEARING OFFICER: This is a prehearing 9 conference, the purpose of which is to set dates for the 10 completion of this matter. 11 Mr. Brown, are you going to be speaking on 12 your own behalf today during this prehearing conference? 13 MR. BROWN: So yes. That's what I plan. And 14 so -- 15 THE HEARING OFFICER: That's fine. That's 16 fine. That's fine. That's all I asked. All we're 17 going to do is set dates. 18 The proposed dates were sent to you. 19 Mr. Andonian, since you have the burden of 20 going forward, what dates are you available? And then 21 we'll see where the other side is. 22 MR. ANDONIAN: I'm sorry if I missed 23 something. There were proposed dates? If I overlooked 24 that, my apologies. 25 THE HEARING OFFICER: Yes. They were sent in</p>
<p style="text-align: right;">Page 134</p> <p>1 APPEARANCES 2 (All parties appearing remotely) 3 4 The Neutral Hearing Officer: 5 LA RUE DISPUTE RESOLUTION SERVICES 6 BY: HOMER C. LA RUE 7 5305 Village Center Drive, Suite 339 8 Columbia, Maryland 21044 9 301.332.9227 10 homer@laruedisputeresolution.com 11 12 For the Charging Party Walls: 13 CALEBANDONIAN PLLC 14 BY: PHILIP ANDONIAN, ESQ. 15 1100 H Street, N.W., Suite 315 16 Washington, D.C. 20005 17 202.953.9850 18 phil@calebandonian.com 19 20 For the Charged Party Brown: 21 RICHARD BROWN 22 richard.brown7437@yahoo.com 23 EBERECHI (Ebie) LYNCH 24 seiustewardcspac@gmail.com 25 26 DERICK ROQUE 27 derickroque@hotmail.com 28 29 Also Present: 30 BETTY GRDINA, Neutral Case Adviser 31 BGrdina@mooneygreen.com 32 33 34 35</p>	<p style="text-align: right;">Page 136</p> <p>1 the email yesterday. 2 The dates, I can read them very quickly, are 3 July 14, 15, 18, 19, 21, 22, 25, 26, 27, 29. 4 And in August, they are August 1, 2, and 8. 5 MR. ANDONIAN: So August 1st, 2nd, and 8 work. 6 THE HEARING OFFICER: Okay. 7 MR. ANDONIAN: Those dates work. 8 Unfortunately, July has just gotten completely 9 packed on my calendar. 10 THE HEARING OFFICER: Mr. Brown, do August 1, 11 2, and 8 work for you? 12 MR. BROWN: August 2 and 8 work great. 13 August 1, you know, that's going to be hard 14 because one of the persons, Ebie Lynch, who is assisting 15 me, she'll have to try to get that time off from work. 16 So, actually, we were trying the 29th, 17 August 2nd, and August 8th. But if she can get 18 August 1st off so we can work with Mr. Andonian's 19 schedule and work with her schedule as well, I don't 20 know how soon I can tell you for sure. Hopefully within 21 a couple of days here. 22 THE HEARING OFFICER: Why don't we block those 23 three dates out, and you'll work to get the leave for 24 Ms. Lynch so she can be available. 25 You think you will be able to let us know by</p>

<p style="text-align: right;">Page 137</p> <p>1 the end of next week?</p> <p>2 MR. BROWN: Yes, sir.</p> <p>3 MS. GRDINA: Unless there is any possibility</p> <p>4 that Mr. Andonian can do July 29th.</p> <p>5 Is that possible?</p> <p>6 MR. ANDONIAN: Unfortunately, there is not. I</p> <p>7 have an all-day motions hearing in superior court out</p> <p>8 here. My apologies for that.</p> <p>9 THE HEARING OFFICER: Okay. So we'll mark</p> <p>10 August 1, 2, and 8; 2 and 8 definitely and hopefully 1,</p> <p>11 August 1st.</p> <p>12 Mr. Brown, you're muted.</p> <p>13 MR. BROWN: Yes, I'm trying not to interfere</p> <p>14 with you.</p> <p>15 THE HEARING OFFICER: Oh, okay.</p> <p>16 MR. BROWN: One second, sir.</p> <p>17 So, Mr. La Rue, Ms. Lynch is asking is</p> <p>18 August 12th even possible?</p> <p>19 THE HEARING OFFICER: No. Not for me.</p> <p>20 MR. BROWN: Not for you?</p> <p>21 THE HEARING OFFICER: No.</p> <p>22 MR. BROWN: What about the 14th?</p> <p>23 MS. GRDINA: That's a Sunday.</p> <p>24 MR. BROWN: I'm sorry. I'm sorry.</p> <p>25 THE HEARING OFFICER: Yeah.</p>	<p style="text-align: right;">Page 139</p> <p>1 I can do the 19th, the Friday.</p> <p>2 MR. BROWN: Okay. Hold on one second, sir.</p> <p>3 So, Mr. La Rue, is it possible for August 1st?</p> <p>4 THE HEARING OFFICER: You've cleared the 1st?</p> <p>5 MR. BROWN: Wait. Hold on. One second. One</p> <p>6 second, sir.</p> <p>7 Okay, sir. I was under a misunderstanding.</p> <p>8 Is it possible we can do August 2nd, August 8th, and</p> <p>9 August 19th?</p> <p>10 MR. ANDONIAN: The 19th works for me.</p> <p>11 MR. BROWN: The 19th works for you --</p> <p>12 THE HEARING OFFICER: Ms. Grdina, does that</p> <p>13 work for you?</p> <p>14 MS. GRDINA: Yes, that works for me. Yes.</p> <p>15 THE HEARING OFFICER: Okay. So I would like</p> <p>16 to verify again. I have for August 2nd, on a Tuesday.</p> <p>17 And I have for August 8th, on a Monday. And I have for</p> <p>18 August 19th, on a Friday.</p> <p>19 Unmute. Yes, unmute.</p> <p>20 MR. BROWN: Yes, sir.</p> <p>21 THE HEARING OFFICER: Your team is good</p> <p>22 August 2, 8, and 19?</p> <p>23 MR. BROWN: Yes. So let me ask Ms. Lynch how</p> <p>24 soon we can have that verified through her job. Hold on</p> <p>25 one second.</p>
<p style="text-align: right;">Page 138</p> <p>1 MR. BROWN: One moment.</p> <p>2 THE HEARING OFFICER: Past August 8th really</p> <p>3 gets to be very -- I have to go back and look. So I'd</p> <p>4 like to stay with the 1st, 2nd, and 8th.</p> <p>5 MR. BROWN: All right, Mr. La Rue. So</p> <p>6 Ms. Lynch is asking is it possible -- you know you said</p> <p>7 not to go past the 8th, but she's asking is it possible</p> <p>8 for the 16th.</p> <p>9 THE HEARING OFFICER: Not for me.</p> <p>10 MR. BROWN: Not for you?</p> <p>11 THE HEARING OFFICER: No.</p> <p>12 MR. BROWN: No.</p> <p>13 THE HEARING OFFICER: In order to go past the</p> <p>14 8th, the only days that are going to be available would</p> <p>15 be a Wednesday or a Friday.</p> <p>16 MR. BROWN: One moment, sir.</p> <p>17 MR. ANDONIAN: Wednesday the 10th is available</p> <p>18 on my calendar, for whatever that's worth.</p> <p>19 MR. BROWN: Okay. Thank you, Mr. Andonian.</p> <p>20 THE HEARING OFFICER: I cannot do the 10th.</p> <p>21 MR. BROWN: All right, sir. Is it possible we</p> <p>22 can do the 17th?</p> <p>23 MR. ANDONIAN: That's fine with me.</p> <p>24 THE HEARING OFFICER: No. I have another</p> <p>25 hearing already booked for the 17th.</p>	<p style="text-align: right;">Page 140</p> <p>1 Okay, sir, Mr. La Rue. Ms. Lynch said she'll</p> <p>2 let me know by next Monday that we can verify for sure</p> <p>3 August 2nd, August 8th, and August 19th.</p> <p>4 THE HEARING OFFICER: Well, I thought we</p> <p>5 already confirmed August 2nd and 8th. I thought the</p> <p>6 only one now that was in question was August 19th.</p> <p>7 MR. BROWN: Yes, sir. That's correct.</p> <p>8 THE HEARING OFFICER: So August 2nd is</p> <p>9 confirmed. August 8th is confirmed. August 19th will</p> <p>10 be confirmed by Monday the 12th -- the 11th; is that</p> <p>11 correct?</p> <p>12 MR. BROWN: Yes, sir.</p> <p>13 THE HEARING OFFICER: All right. So we'll be</p> <p>14 prepared to begin -- Mr. Andonian will begin his case on</p> <p>15 August 2nd.</p> <p>16 All right. That was what was on the calendar</p> <p>17 for today. And so unless there's something else that</p> <p>18 needs to be raised with regard to scheduling, I'm about</p> <p>19 to adjourn this prehearing conference.</p> <p>20 Mr. Andonian, is there anything else from you?</p> <p>21 MR. ANDONIAN: No, Mr. La Rue. Thank you.</p> <p>22 THE HEARING OFFICER: Mr. Brown, is there</p> <p>23 anything else from you?</p> <p>24 MR. BROWN: Yes, sir. One quick moment.</p> <p>25 So, Mr. La Rue, Ebie Lynch is asking, since</p>

<p style="text-align: right;">Page 141</p> <p>1 she's new and Derick Roque is also new, they are asking 2 can they submit a reconsideration. 3 THE HEARING OFFICER: No. 4 MR. BROWN: No. Okay. 5 THE HEARING OFFICER: We're going forward on 6 the 2nd with Mr. Andonian's case. There will be no 7 consideration of any motions for reconsideration of 8 anything that I have already disposed of. That's a 9 final. 10 Very well. Is there anything else? 11 MR. BROWN: Yeah. One last thing. 12 Okay. So, Mr. La Rue, Ebie Lynch is asking 13 can she submit some exhibits to everyone -- 14 THE HEARING OFFICER: No. All exhibits have 15 been submitted. That date has gone by. 16 MR. BROWN: And did the list of people -- 17 THE HEARING OFFICER: Mr. Brown, one 18 exception. 19 MR. BROWN: Yes. 20 THE HEARING OFFICER: If there is something 21 that comes up in the hearing and you want to use an 22 exhibit as a rebuttal, I'll consider it at that time. 23 MR. BROWN: So, Mr. La Rue, thank you for 24 that. 25 When this starts, I want to ensure that Ebie</p>	<p style="text-align: right;">Page 143</p> <p>1 something, Mr. La Rue? 2 So if the parties need the list of exhibits 3 and the list of previously designated witnesses, I can 4 send them that. 5 THE HEARING OFFICER: Please. 6 MR. BROWN: Oh, okay. So I have a new list of 7 witnesses since I'm taking over my case. So when is the 8 date for me to submit my new list of witnesses? 9 THE HEARING OFFICER: Do you have the list 10 now? 11 MR. BROWN: I don't have the complete list 12 now. So if you'd give me a few days, I can get it 13 submitted to you and to Ms. Grdina and to Mr. Andonian 14 and Jeanette Irwin. 15 THE HEARING OFFICER: All right. Today is the 16 7th. Let's get that served on every -- filed and served 17 by the 15th. 18 MR. BROWN: Which is the deadline by 5:00 p.m. 19 Pacific time for the Michael Guss written closing? 20 THE HEARING OFFICER: Correct. 21 I'll move it one day and make it the 18th. 22 Is that okay with you, Mr. Andonian, if you 23 get the list by the 18th? 24 MR. ANDONIAN: That's fine. 25 THE HEARING OFFICER: Is there anything else?</p>
<p style="text-align: right;">Page 142</p> <p>1 Lynch and Derick Roque also are able to speak freely -- 2 THE HEARING OFFICER: You have Order 19. That 3 is the protocol. 4 MR. BROWN: Okay. So -- 5 THE HEARING OFFICER: You will designate at 6 the beginning of the hearing whether you are going to be 7 representing yourself, in which case they will be 8 assistants. You may consult but they may not speak. 9 If you choose that they are going to be your 10 representatives, you will not speak except to them and 11 they will speak one at a time designating when they will 12 speak, pursuant to the protocol. 13 MR. BROWN: Okay. And you need to know that 14 by August 2nd, when we start? 15 THE HEARING OFFICER: Yes. You'll designate 16 on August 2nd how you're going to proceed. And the 17 entire hearing will proceed that way on that day. You 18 may not change once you designate for that hearing. 19 MR. BROWN: Okay. And this hearing has to 20 stay closed? It cannot be opened up? 21 THE HEARING OFFICER: Correct. That's already 22 been resolved. 23 Is there anything else? 24 MR. BROWN: Not at this time. 25 MS. GRDINA: Perhaps I can -- may I add</p>	<p style="text-align: right;">Page 144</p> <p>1 Hearing nothing, we stand adjourned. 2 Thank you, all, for your time today. 3 MR. ANDONIAN: Thank you very much. 4 THE HEARING OFFICER: All right. Take care. 5 (Whereupon, the proceedings were adjourned 6 at 12:50 p.m.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

REPORTER'S CERTIFICATE

State of California)
) Ss.

County of Sacramento)

I, ROSE GONI DAVIS, a Certified Shorthand
Reporter of the State of California, authorized to
administer oaths, do hereby certify:

That I am a disinterested person herein; that
the proceedings were reported in shorthand by me, ROSE
GONI DAVIS, a Certified Shorthand Reporter of the State
of California, and thereafter transcribed using
computer-aided transcription and is a true and correct
record of the testimony so given.

IN WITNESS WHEREOF, I hereby certify this
transcript at my office in the County of Sacramento,
State of California, 11th of July, 2022.



ROSE GONI DAVIS, CSR NO. 8760
Certified Shorthand Reporter of
the State of California



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SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE

LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

--oOo--

IN THE MATTER OF THE)
PROCEEDING BETWEEN)
)
MICHAEL GUSS, DISTRICT LABOR)
COUNCIL 794, ANICA WALLS,)
VICE PRESIDENT FOR)
ORGANIZING AND) Amended Internal
DISPUTE REPRESENTATION, SERVICE) 22-02-HR1
EMPLOYEES INTERNATIONAL)
UNION ("SEIU"), LOCAL 1000,) Internal Dispute
SEIU,) 22-03-HR1
)
Charging Parties,) NHO FILE NO.:
) 220316-BROW
-AND-)
)
RICHARD LOUIS BROWN,)
PRESIDENT (SUSPENDED),)
SERVICE EMPLOYEES)
INTERNATIONAL UNION)
("SEIU"), LOCAL 1000, SEIU,)
)
Charged Party.)
)
RE: Disciplinary Charges)
)

--oOo--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WALLS HEARING

Monday, August 8, 2022

Pages 155 - 333

**CERTIFIED
TRANSCRIPT**

22-242

Stenographically Reported By:

ROSE GONI DAVIS, CRR/RMR, CSR 8760



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SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE

LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

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22-242

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ROSE GONI DAVIS, CRR/RMR, CSR 8760

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2 (All parties appearing remotely)

3
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BETTY GRDINA, Neutral Case Adviser
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Lisa Mattson, Zoom Host

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EXHIBITS

CHARGING PARTY WALLS

Exhibits A through U admitted 161
into evidence

CHARGED PARTY BROWN

Exhibits A through M admitted 163
into evidence

Exhibit N admitted into evidence 245

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1 BE IT REMEMBERED that on Monday, August 8, 2022,
2 commencing at the hour of 10:32 a.m. PST, via Zoom
3 videoconference, before me, ROSE GONI DAVIS, a Certified
4 Shorthand Reporter of the State of California, the
5 following proceedings took place as hereinafter set
6 forth.

7 ---o0o---

8 THE HEARING OFFICER: We're on the record.
9 Today is August 8th, 2022. This is the internal
10 disciplinary charge investigation of Guss, et al., and
11 Richard Brown. This is the Walls hearing.

12 I'd like everyone, beginning with Mr. Brown,
13 to enter your appearance on the record.

14 You have to unmute, Mr. Brown.

15 MR. BROWN: Richard Louis Brown, August 8th,
16 2022.

17 THE HEARING OFFICER: And your assistants,
18 beginning with Ms. Lynch.

19 MS. LYNCH: Ebie Lynch.

20 THE HEARING OFFICER: And state your role,
21 please.

22 MS. LYNCH: Assistant to President Brown.

23 THE HEARING OFFICER: Mr. Roque.

24 MR. ROQUE: Derick John Roque, assistant to
25 President Brown.

1 THE HEARING OFFICER: Mr. Andonian.

2 MR. ANDONIAN: Good morning or afternoon,
3 depending on where you are. Phil Andonian on behalf of
4 Anica Walls.

5 THE HEARING OFFICER: Ms. Walls.

6 MS. WALLS: Hi. Good morning. I am here and
7 present. Thank you very much.

8 THE HEARING OFFICER: And you are the charging
9 party in this matter?

10 MS. WALLS: That is correct.

11 THE HEARING OFFICER: My name is Homer La Rue,
12 and I'm the neutral hearing officer. And I'm joined
13 with the neutral case adviser, Ms. Grdina.

14 MS. GRDINA: Hello.

15 THE HEARING OFFICER: We have some preliminary
16 matters to take care of before we get underway with
17 witness testimony.

18 Mr. Brown, are you going to be representing
19 yourself today, or is Ms. Lynch and/or Mr. Roque going
20 to be representing you today?

21 You have to unmute, Mr. Brown.

22 MR. BROWN: I'm sorry. I keep myself on mute
23 so that there is no background.

24 I will represent myself today.

25 THE HEARING OFFICER: Very well.

1 We will be -- as my Order 27 indicated, we
2 will be following the procedure that is set forth in
3 that order that was sent out on August 7th.

4 So as the first order of business for this
5 morning, we have the exhibits that have been thus far
6 exchanged among the parties, but we have not ruled on
7 all of them.

8 Let me start with Charging Party Walls
9 exhibits. Mr. Andonian, do you want to offer your
10 exhibits?

11 MR. ANDONIAN: Yes, Your Honor -- or
12 Mr. La Rue. Sorry. We would offer all of our exhibits
13 at this time.

14 THE HEARING OFFICER: And that's A through U?

15 MR. ANDONIAN: Correct.

16 THE HEARING OFFICER: Mr. Brown, your position
17 with regard to those exhibits?

18 MR. BROWN: At this time, working with my two
19 assistants, we're objecting to the Walls exhibits.

20 THE HEARING OFFICER: And your reason?

21 Mr. Brown, if you're representing yourself --

22 MR. BROWN: Yeah.

23 THE HEARING OFFICER: If we're going to move
24 this thing along, if Ms. Lynch wants to advise you,
25 please do it by paper and not interrupting the flow of

1 conversation or dialogue.

2 Go ahead.

3 MR. BROWN: Yes. Give me one moment.

4 We're going to object to the Walls exhibits,
5 particularly the ones referring to Bill Hall, his
6 lawsuit, because that's not been fully litigated. And
7 it has nothing to do with this particular issue.

8 And, also, the Union staff exhibit, Anne
9 Giese, the staff cannot participate in internal matters.

10 THE HEARING OFFICER: We have entertained both
11 your objections before. We've heard the objections;
12 I've considered them. Your objections are overruled,
13 and the documents come into the record.

14 (Charging Party Walls Exhibits A through U
15 admitted into evidence.)

16 MR. BROWN: Okay. So one quick question. One
17 quick question.

18 THE HEARING OFFICER: Yes.

19 MR. BROWN: The objection to the Bill Hall
20 lawsuit that's not fully litigated, was that objection
21 first noted in the email? Because I don't remember me
22 putting that in the email.

23 THE HEARING OFFICER: We considered it -- we
24 considered your objection when you put it in the email,
25 yes.

1 MR. BROWN: So that was put in the email
2 yesterday or the day before?

3 THE HEARING OFFICER: Whenever you did it.
4 Yesterday.

5 MR. BROWN: Okay. Okay. Okay. So that email
6 was sent yesterday you're saying. Okay. Regarding Bill
7 Hall and --

8 THE HEARING OFFICER: Was your objection in
9 writing, Mr. Brown?

10 MR. BROWN: Yes, sir. I'm just verifying for
11 the record that the email I sent yesterday regarding
12 Bill Hall's lawsuit that hasn't been fully litigated and
13 Anne Giese not having a role in these internal
14 matters -- so when I sent that email yesterday and you
15 said that you would take it --

16 THE HEARING OFFICER: Mr. Brown -- Mr. Brown,
17 I've made the ruling. As I indicated, no surrebuttal on
18 the ruling.

19 MR. BROWN: Mr. La Rue --

20 THE HEARING OFFICER: Mr. Brown, there is no
21 further conversation with regard to the exhibits.

22 MR. BROWN: Right. So this is --

23 THE HEARING OFFICER: So you objected. That's
24 fine. I'm not going to entertain any further argument
25 on it.

1 Now let's consider your exhibits.

2 Mr. Andonian, do you have any objection to
3 Mr. Brown's exhibits?

4 MR. ANDONIAN: Yes, Mr. La Rue. We object to
5 A, B -- pardon me -- K, L, and M.

6 THE HEARING OFFICER: The basis for the
7 objections.

8 MR. ANDONIAN: That they're not relevant, Your
9 Honor. It's not clear that there is anything in those
10 documents that has anything to do with the charges here
11 or the defenses to them.

12 THE HEARING OFFICER: The hearing officer has
13 considered the objections raised by Ms. Walls as to
14 Charged Party Brown's exhibits. The objections are
15 overruled. I will consider the objections and give the
16 exhibits the weight that they are worth when I consider
17 the entirety of the record.

18 All the exhibits are in the record at this
19 point.

20 (Charged Party Brown Exhibits A through M
21 admitted into evidence.)

22 THE HEARING OFFICER: As I indicated in my
23 order, we would proceed today by -- first by hearing
24 opening statements. And then Mr. Andonian would call
25 his witness or witnesses.

1 Mr. Brown, you would have an opportunity to
2 cross-examine those witnesses.

3 Are there any questions about the way in which
4 we are proceeding?

5 Mr. Brown?

6 MR. BROWN: Yes. Do I still have the option
7 to make my opening statement once I start my defense?

8 THE HEARING OFFICER: You do. You may defer
9 your opening statement. During -- go ahead, Mr. Brown.

10 MR. BROWN: Okay. Go ahead. Sorry.

11 THE HEARING OFFICER: Do you have another
12 question?

13 MR. BROWN: No, I do not.

14 THE HEARING OFFICER: Mr. Andonian, do you
15 have any questions before I hear opening statements?

16 MR. ANDONIAN: No, sir.

17 THE HEARING OFFICER: All right. One second.

18 MR. BROWN: Mr. La Rue, I'm going to defer to
19 make my opening statement until it's time for me to
20 defend myself.

21 THE HEARING OFFICER: Wait until after
22 Mr. Andonian has made his, and then I'll hear what you
23 want to do.

24 MR. BROWN: Okay.

25 THE HEARING OFFICER: Go ahead, Mr. Andonian.

1 MR. ANDONIAN: Thank you, Mr. La Rue.

2 OPENING STATEMENT FOR CHARGING PARTY WALLS

3 BY MR. ANDONIAN:

4 This is a straightforward case of
5 accountability. Mr. Brown unquestionably engaged in
6 conduct that was detrimental to the Union, in violation
7 of its bylaws and policy file, and that posed an
8 existential threat to the union's functioning and
9 reputation.

10 For that, Mr. La Rue, he has already been
11 suspended from his position as president. And he has
12 already been enjoined by a California judge from acting
13 or even holding himself out as president of the Union.

14 We are not here to tell you anything new or
15 anything that is not in the record before you nor are we
16 forging a novel path. We are simply here to see to it
17 that justice prevails internally at the Union under the
18 procedures the Union has in place for situations just
19 like this. And we are here to see to it that control of
20 the Union is kept away from a man who simply doesn't
21 have its best interests at heart.

22 Mr. La Rue, Ms. Walls's amended charges very
23 clearly set out the basis for the allegations here. And
24 you can see that in the charging document itself. But
25 as you listen to the evidence, we'll call your attention

1 generally to what the charges are saying. And they can
2 be found in Section 9.0.01 of the policy file.

3 But what Ms. Walls is alleging is that
4 Mr. Brown's conduct, which you're going to hear about in
5 the testimony today and which you already have in the
6 record in front of you, constituted the following:

7 Gross neglect of duty by a member holding
8 elected office.

9 The following, among other things -- I want to
10 hit a bit of highlights:

11 Intentionally disrupting the orderly conduct
12 of an official meeting;

13 Behavior which is detrimental by the hearing
14 panel or officer or any of which is determined to be by
15 the hearing panel or officer of such a nature that it
16 causes discredit to Local 1000;

17 And the failure to carry out the duties of his
18 office within the Union with respect to representation
19 of the members at the worksite.

20 Mr. La Rue, any one of these grounds would be
21 sufficient to sustain charges against Mr. Brown and to
22 impose an appropriate sanction. But we would submit,
23 you will see, as the evidence comes out and is already
24 before you, all of these have been satisfied. Because
25 Mr. Brown has engaged in conduct, as you will see and

1 that you have before you, conduct that satisfies each
2 and every one of these grounds.

3 Mr. Brown refused to convene meetings of the
4 board of directors or, if he did attend a gathering or
5 an assembly that purported to be a meeting, hijacked
6 those gatherings by not allowing people to speak, by
7 taking all of the time on the floor, by not allowing
8 items to be discussed or properly voted on.

9 You will hear Mr. Brown conducted himself in
10 ways that were public and internal to the Union in which
11 he treated people with blatant disrespect,
12 condescension, and was even threatening toward them.

13 You will hear that Mr. Brown hid information
14 from the vice presidents, information about money that
15 was being spent on lawsuits, information about a
16 contract that ended up costing the Union hundreds of
17 thousands of dollars.

18 You will hear that Mr. Brown retaliated
19 against people who attempted to help the vice
20 presidents, including Ms. Walls, learn information that
21 would help them assess what was going on under
22 Mr. Brown's watch.

23 Mr. La Rue, you will hear and you already have
24 heard through your interim -- the briefing on the
25 interim decision about the so-called dueling suspensions

1 that Mr. Brown, when he got wind of this attempted
2 oversight, tried in vain to suspend Ms. Walls and the
3 other vice presidents improperly.

4 MS. LYNCH: My apologies, Mr. La Rue.

5 THE HEARING OFFICER: There is no
6 interruption. There is no interruption during an
7 opening statement.

8 MS. LYNCH: I apologize.

9 THE HEARING OFFICER: Proceed, Mr. -- proceed,
10 Mr. Andonian.

11 MS. LYNCH: I just wanted to find out if
12 Ms. Walls was on the computer.

13 THE HEARING OFFICER: Ms. Lynch -- Ms. Lynch,
14 there are no questions at this time during the opening
15 statement.

16 MS. LYNCH: Thank you, sir.

17 THE HEARING OFFICER: Mr. Andonian, continue.

18 MR. ANDONIAN: Thank you, Mr. La Rue.

19 And you will hear that when the vice
20 presidents properly suspended Mr. Brown, Mr. Brown
21 engaged in the ultimate act against the Union, harming
22 its function, harming its reputation, harming the
23 membership by taking over the Union headquarters for
24 several days. And it was only when police officers and
25 fire marshals showed up that Mr. Brown eventually left,

1 taking property that belonged to the Union with him.

2 Mr. La Rue, this is a straightforward case
3 about straightforward allegations, allegations that, to
4 some degree, have already been established. What we are
5 simply asking that you do is to listen to the remainder
6 of the evidence and then take all of it with an open
7 mind. And we are confident that, if you do, you will
8 find that Mr. Brown has violated all, if not just some,
9 of the allegations Ms. Walls has leveled against him,
10 any one of which, not the least of which all of them
11 together, would form the proper basis of a finding that
12 he violated the bylaws and the policy file of the Union
13 and that he should be subject to appropriate sanctions.

14 Thank you very much.

15 THE HEARING OFFICER: Thank you.

16 Mr. Brown, do you wish to make your opening
17 statement now or to defer?

18 MR. BROWN: Before I respond to that, is Anica
19 Walls on her phone?

20 THE HEARING OFFICER: It doesn't matter what
21 she's on so long as she's here and there is no violation
22 of our procedure.

23 MR. BROWN: All right. So I want to be clear
24 for the record, since we don't know exactly what she's
25 doing, if people are on their phones in the room, it

1 won't be a problem. Okay. As long as we're clear on
2 that aspect.

3 THE HEARING OFFICER: It will be a problem if
4 you are communicating these proceedings outside of this
5 hearing.

6 MR. BROWN: Well --

7 THE HEARING OFFICER: There is a rule --

8 MR. BROWN: You've already --

9 THE HEARING OFFICER: The rules of this
10 proceeding -- the rules of this proceeding are that no
11 one is to record or to communicate these proceedings,
12 that they are closed proceedings.

13 MR. BROWN: Right. So with that being said, I
14 don't know what Anica Walls is doing. Information from
15 these proceedings have been leaked continually since
16 April. So that has already violated --

17 THE HEARING OFFICER: I know. I had nothing
18 to --

19 MR. BROWN: I already put that in an email.

20 THE HEARING OFFICER: I have no information
21 about that.

22 MR. BROWN: I already put that in an email. I
23 already put that in an email several times.

24 So I understand what you're doing. You want
25 to run an efficient meeting. I respect that. What I'm

1 simply trying to do is follow your rules and make sure
2 that I -- (Overlapping voices.)

3 THE HEARING OFFICER: I've indicated what the
4 rules are.

5 MR. BROWN: -- myself with the evidence.
6 That's what I'm trying to do that.

7 THE HEARING OFFICER: Let's settle this
8 right --

9 MR. BROWN: Okay.

10 THE HEARING OFFICER: Let's settle this once
11 and for all.

12 Witnesses and anyone else other than myself
13 and NCA Grdina are to remain off their phones unless
14 it's some kind of an emergency. And then let me know
15 that you need to do that, and we can take it up at that
16 point in time.

17 MR. BROWN: Okay. Thank you, sir.

18 So I will wait until it's time for me to
19 defend myself against these accusations for my opening
20 statement.

21 THE HEARING OFFICER: Very well.

22 Mr. Andonian, you may call your witness.

23 MR. ANDONIAN: Thank you, Mr. La Rue. We
24 would call --

25 THE HEARING OFFICER: One second before you

1 proceed.

2 Ms. Lynch, do you have another question, or
3 did you just forget to put your hand down?

4 MS. LYNCH: Sorry. I just forgot to put my
5 hand down.

6 THE HEARING OFFICER: Very well.

7 Mr. Andonian, you may call your witness.

8 MR. ANDONIAN: Yes, Mr. La Rue. We call Anica
9 Walls.

10 THE HEARING OFFICER: Ms. Walls, a couple of
11 questions before you proceed with your testimony.

12 Do you have any documents in front of you
13 related to this matter?

14 MS. WALLS: No, I don't.

15 THE HEARING OFFICER: Do you have any
16 documents on a screen or other device related to this
17 matter?

18 MS. WALLS: No, I don't.

19 THE HEARING OFFICER: Is there anyone in the
20 room with you who can overhear your testimony?

21 MS. WALLS: My German shepherd.

22 THE HEARING OFFICER: Very well. I take it
23 he's not a talking dog; so that would be okay.

24 MS. WALLS: Not yet.

25 THE HEARING OFFICER: Very well.

1 Do you have any questions --

2 MS. WALLS: Now, just for full disclosure, I
3 do have my -- you know, I'm on one phone. That's what
4 I'm looking at, that's what we're doing the hearing on.
5 I have my other phone right here that you probably can't
6 see, but it's off. And I have my computer open but no
7 documents pertaining to this matter at all.

8 Should I close the computer?

9 THE HEARING OFFICER: Please close the
10 computer unless Mr. Andonian asks you to access
11 something from it.

12 MS. WALLS: Perfect.

13 THE HEARING OFFICER: Do you have any other
14 questions about how we're proceeding?

15 MS. WALLS: No.

16 THE HEARING OFFICER: All right. I'm going to
17 ask you to raise your right hand in a moment and either
18 take an oath or an affirmation before you begin your
19 testimony.

20 MS. WALLS: Sure.

21 THE HEARING OFFICER: You swear or affirm that
22 the testimony you're about to give in this proceeding
23 will be the truth and the whole truth?

24 MS. WALLS: I do.

25 THE HEARING OFFICER: Thank you.

1 Mr. Andonian, you may proceed.

2 MR. ANDONIAN: Thank you.

3 ANICA WELLS,

4 called as a witness herein and having been first duly
5 sworn to tell the truth, the whole truth, and nothing
6 but the truth testified as follows:

7 DIRECT EXAMINATION

8 BY MR. ANDONIAN:

9 Q. Good morning, Ms. Walls.

10 A. Good morning.

11 Q. Ms. Walls, can you please state and spell your
12 full name for the record.

13 A. Sure. Anica, A-n-i-c-a, middle initial G.,
14 last name Walls, W-a-l-l-s.

15 Q. And, Ms. Walls, are you currently employed by
16 the Union, Local 1000?

17 A. I am not.

18 Q. What is your current job?

19 A. I am a Disability Evaluation Analyst III with
20 the Department of Social Services.

21 Q. And do you hold a position with the Union?

22 A. I do.

23 Q. What is that?

24 A. I am the vice president for representation and
25 organizing statewide.

1 Q. Okay. Is that an elected position?

2 A. It is.

3 Q. And how long have you held that position?

4 A. This would be my fourth year.

5 Q. Okay. Prior to being vice president
6 statewide, did you hold any other positions within the
7 Union?

8 A. I did not. Well, yes. I'm sorry.
9 Previously -- I am a steward. I am a job steward. And
10 I have been a job steward since 2007. And I also
11 previously, for a short time, held a position as
12 secretary-treasurer for DLC 789 at the time. And then
13 this would be my other only elected position, unless
14 you're counting delegate positions. But that's only for
15 a short time, and those positions were already
16 fulfilled -- those duties were already fulfilled.

17 Q. Can you just describe briefly what your job is
18 in the role of vice president for representation?

19 A. Sure. So as vice president for representation
20 and organizing, I kind of oversee the different programs
21 that -- or help develop some of the programs needed
22 statewide to get the organizing done, whether that's at
23 a DLC level or worksite level or bigger, obviously. You
24 know, could go statewide.

25 Representation-wise, we have a representation

1 department and an MRC. And so I work closely with the
2 director of those divisions/departments to kind of make
3 sure that, you know, we're updating and holding our
4 advance steward trainings.

5 I am kind of one of the people who -- well,
6 I'm the person that people would come to if there is
7 issues within the district labor councils. I help with
8 various representational issues depending on the level
9 that they go to.

10 So I am also the chair of the chief stewards
11 committee, the statewide chief stewards committee. We
12 help develop and push the Fast Track program, which is
13 the leadership program for stewards to become a steward
14 in the state.

15 There's all kinds of different things, but
16 mostly under the representational and organizing
17 umbrellas for the organization.

18 Q. Okay. As the vice president, do you sit on
19 the board of directors for the Union?

20 A. I do.

21 Q. Okay. And how many people are on the board of
22 directors?

23 A. So there is 51 DLCs plus the 9 -- 10 BUNC
24 chairs and the 4 officers. Currently, I guess it would
25 also include the board chair with the new bylaws. So

1 what is that? 60, 61, something like that.

2 Q. Okay. So it's a big board?

3 A. It is.

4 Q. Okay. As vice president within the board, do
5 you sit on what I guess would be called an executive
6 committee or executive council?

7 A. Yes.

8 Q. And is that you and the other vice presidents
9 and the president?

10 A. It is supposed to consist of the president and
11 the three vice presidents. I would have to double-check
12 the changes that were made because that may now also
13 include the board chair. I'm not positive about that,
14 yeah.

15 Q. Fair enough.

16 Ms. Walls, I want to draw your attention to
17 March of this year. And I just want to frame where
18 we're going.

19 Did there come a time when you filed what's
20 called an HR1 charging document against Mr. Brown?

21 A. I did.

22 Q. And can you just very briefly describe what
23 the HR1 process is?

24 A. Yeah. So it is basically our method of
25 handling internal disputes within the organization

1 whenever there has been an egregious act or something
2 that violates policy file that you would like to bring
3 to the board's attention.

4 Q. I'm going to share my screen. Please bear
5 with me.

6 Ms. Walls and everybody else, are you able to
7 see on the screen the hearing request form that you
8 filed?

9 A. Yes.

10 Q. Just as a caveat, the version that I believe
11 is -- I believe this is a hearing officer's exhibit.
12 This is the version that was amended -- I'm sorry --
13 appended to one of the earlier scheduling orders. And
14 it looks like there was a PDF kind of conversion issue
15 with some of the text.

16 I think for this first page, it doesn't
17 matter. I'm scrolling down. And when we get to the
18 amended narrative, it's a little bit hard to read. I
19 have a clean version of it that I would just offer for
20 the sake of convenience, unless I'm missing a clean --

21 A. Yeah, I don't remember mine coming over like
22 that either. So, yeah, wherever -- there must have been
23 something --

24 THE HEARING OFFICER: Hold on, Ms. Walls.

25 Mr. Brown, do you have any objection to the

1 clean copy being shown?

2 MR. BROWN: No. And I know what --

3 THE HEARING OFFICER: That's all I needed to
4 know.

5 Mr. Andonian, you may put the clean copy up.

6 MR. ANDONIAN: Okay. I'll get to that in just
7 one moment. I just want to go very briefly on the first
8 page and, again, with the understanding there is some of
9 the artifacts from the conversion.

10 BY MR. ANDONIAN:

11 Q. Ms. Walls, what we're looking at right now,
12 this is, in fact, the HR1 form that you filed against
13 Mr. Brown?

14 A. Yeah. And I realize I messed up. It should
15 have said "1." I'm Bargaining Unit 1. But yes. Yes.

16 Q. This is it. Okay.

17 If you'll give me one moment, I'm going to
18 stop screen sharing and switch to the clean version.

19 Okay. You should now be able to see the
20 screen, and it has a document titled "Attachment -
21 Amended."

22 A. Yes.

23 Q. Again, I'll represent this is the same text
24 that was on the previous document. It's just -- it's
25 legible.

1 Okay. So, Ms. Walls, what I want to do is I
2 just want to go through this document. And I'm going to
3 try on the screen to just have one thing at a time that
4 we're focusing on. I believe I should be able to
5 utilize -- I'm not going to try to get fancy with this.
6 I'm going to just use the old-fashioned highlighter
7 function on the computer. So I have highlighted the
8 first entry on the attachment here.

9 And I should just ask. This amended
10 attachment, was this something you filed as well?

11 A. Yes.

12 Q. And the document here, the amended attachment,
13 does it contain all of the specific allegations that
14 your charges against Mr. Brown are based on?

15 A. Yeah.

16 Q. Okay. I'm just going to go through this, and
17 I just want to ask a few questions about each of these.
18 I think I can be pretty efficient. I'll represent there
19 are ten specific entries, and I'll go in order. The
20 first one states:

21 "Richard Louis Brown has willfully failed
22 to hold meetings of the board of directors as
23 required by bylaws and policy file
24 (Section 3.2.00). This failure has resulted in
25 the Union operating without the legally required

1 and democratic engagement of a board of
2 directors since August 2021."

3 THE HEARING OFFICER: Mr. Andonian, before you
4 proceed further, let me just simply identify this
5 document for the record.

6 This is NHO Exhibit B. This is the clean copy
7 version of NHO Exhibit B.

8 You may proceed.

9 MR. ANDONIAN: Thank you, Mr. La Rue.

10 BY MR. ANDONIAN

11 Q. Ms. Walls, can you please tell us what the
12 basis of this allegation was and why you included it in
13 your charging document?

14 A. It was included because Richard failed to hold
15 meetings. He did call some meetings, but he did so in a
16 way that would not allow for the board members
17 essentially to do their fiduciary duty. And so there
18 were various examples on a couple of different
19 occasions, one which, you know, we were trying to pass a
20 budget. That budget didn't pass.

21 And so there was some ability to ask questions
22 in that meeting, but then there was another board of
23 directors meeting where I believe he -- the emergency
24 meeting, I think, wasn't supposed to be until 6:00 p.m.
25 that evening or something of that nature. And he

1 started taking questions via Facebook Live, I think, at
2 11:00 p.m. -- or, I mean, 11:00 a.m. Something like
3 that. And so by the time we got to the board meeting,
4 the questions were not allowed by the board members
5 because his argument was that they had all day to get on
6 the Zoom and ask. And so for the most part, to keep it
7 simple, they were unable to do the fiduciary duties that
8 they were elected to do multiple times.

9 Q. Okay. Let me ask a few follow-up questions.

10 When you say that Mr. Brown didn't convene --
11 on the one hand, didn't convene meetings at all, were
12 there, in fact, times when there were -- there was a
13 meeting that was scheduled or the board wanted to have a
14 meeting and Mr. Brown simply didn't impanel it?

15 A. Yeah. That's correct. There was one, if
16 not -- I want to say there was actually more like two or
17 three times where various members of the board wanted to
18 call meetings. And per policy file, if the majority of
19 the board wanted to hold meetings, then, you know, he
20 should call one. That's not the language verbatim,
21 obviously.

22 But there were times where he was being
23 petitioned to call a meeting by multiple -- by I believe
24 it was the majority of the board members. If not, it
25 was really close. And, you know, he was playing with

1 when and how he would call the meeting, to put it
2 simply.

3 Q. With respect to the times that you said
4 Mr. Brown did convene a gathering, I guess it was, but
5 then didn't allow anyone to conduct business or ask
6 questions, can you just explain what you mean by that?

7 A. So in one of the -- like one of the examples
8 that I was talking about, so he had decided to convene a
9 meeting. Obviously -- right? -- those notices went out.
10 The meeting was supposed to be, like I said, in the
11 evening time. He decided to open up not the meeting but
12 start taking questions and/or commentary earlier that
13 day. And he had collected a binder full of statements
14 from our members or from his supporters. And so more
15 than allowing people like, we'll say, opposition to come
16 and to have conversation or to ask questions, he was
17 guiding the meeting based off of the people who were
18 calling in and the letters that he had in front of him
19 in the binder.

20 So by the time we actually got to the actual
21 board meeting that he called, when some of the board
22 members had questions, you know, with the raised-hand
23 function or whatnot, the way that we would normally hold
24 a board meeting over Zoom, he wasn't taking questions
25 because he felt like they had all day to come on and

1 take the questions.

2 I don't want to -- I will say that I'm sure
3 there were a couple of questions, but, you know, after a
4 couple, depending -- there weren't many. He cut them
5 off. And like I said, the excuse was "You had all day
6 to do it. You know, we're going to move on" or whatnot.
7 I think that was the budget meeting, but I'm not
8 positive.

9 Q. In your role as vice president -- as a vice
10 president of the Union and a member of the board, did
11 you feel that under Mr. Brown's leadership you and the
12 other directors were able to get business done on behalf
13 of the Union in the way that the bylaws or the policy
14 file called for?

15 A. No. There were definitely things that were
16 being done in an unconventional way. There were certain
17 appointments that were being done in unconventional
18 ways.

19 MR. BROWN: I'm sorry. Not to interrupt, but
20 I object to that question.

21 THE HEARING OFFICER: What's your objection?

22 MR. BROWN: She can only speak for herself.

23 THE HEARING OFFICER: I don't understand the
24 objection.

25 MR. BROWN: She cannot speak for what others

1 would feel. She can only speak for herself as one
2 single board of directors member.

3 THE HEARING OFFICER: Mr. Andonian, do you
4 want to speak to the objection?

5 MR. ANDONIAN: Yes. I believe that's what I
6 asked her. I'm only asking for her view as a board
7 member.

8 MR. BROWN: You asked for her and the other
9 members.

10 THE HEARING OFFICER: The question --

11 MR. BROWN: You asked for her and the other
12 members.

13 THE HEARING OFFICER: The question is what
14 was her -- Ms. Walls, the question, irrespective of what
15 was heard to say before, is your opinion is the
16 question.

17 MR. BROWN: Can we quickly have the court
18 reporter go back? Because maybe I misheard.

19 THE HEARING OFFICER: Mr. Brown, don't snap
20 defeat from victory.

21 MR. BROWN: Yes, sir.

22 THE HEARING OFFICER: You won the objection.

23 MR. BROWN: Yes, sir. Yes, sir.

24 THE HEARING OFFICER: Mr. Andonian.

25 MR. ANDONIAN: Yes, Mr. La Rue. Let me

1 rephrase the question just to make sure it's clear.

2 BY MR. ANDONIAN:

3 Q. Ms. Walls, what I'm asking for is simply your
4 own belief, your own impression, information within your
5 own knowledge. As the vice president of the Union and a
6 member of the board of directors, did you believe that
7 the board was able to conduct business properly
8 according to the bylaws and the policy files under
9 Mr. Brown's tenure?

10 A. No.

11 Q. Okay. Continuing on the screen share,
12 Number 2 I believe we've essentially covered with
13 Number 1. But if you can just take a minute to look at
14 Number 2 on the screen. And if there is anything
15 specifically that you think was not covered by the
16 previous line of questioning -- why don't I let you read
17 it first, and then I'll ask one follow-up question.

18 A. Well, I think the bullet points speak to kind
19 of the overall charge. So, yeah, you know, I think
20 that, you know, there were certain items that he, you
21 know, would -- he would choose what he wanted to hear
22 and who he wanted to hear them from, to put it quite
23 simply, right?

24 I also know that he had several conversations
25 or alluded to, you know, if you -- well, are they going

1 to vote this way, right? So kind of attempting to make
2 people vote a certain way based off of decisions they
3 were making. And so I'm trying to see if that's kind of
4 highlighted in here, but I feel like it's pretty
5 specific.

6 THE HEARING OFFICER: Ms. Walls, there is an
7 objection. If I tell you there is an objection, please
8 stop speaking until I've heard the objection and ruled
9 on it.

10 THE WITNESS: Of course. Sorry. I didn't
11 hear the objection.

12 THE HEARING OFFICER: Mr. Brown, your
13 objection?

14 MR. BROWN: Yes, sir. Can I object to that on
15 the grounds that there is a possibility she's just
16 giving her own personal opinion, speculation? For
17 speculation.

18 THE HEARING OFFICER: Mr. Andonian, do you
19 want to speak to it?

20 MR. ANDONIAN: Well, Mr. La Rue, I'm only
21 asking Ms. Walls, obviously, what she's able to speak to
22 based on her own experience, knowledge, or belief. I'm
23 certainly not asking her to speculate to the extent
24 that's not been clear. I'll make sure I'm saying it for
25 the record. I'm not asking --

1 THE HEARING OFFICER: Objection overruled.
2 Proceed. Objection overruled.

3 Mr. Andonian, proceed.

4 MR. ANDONIAN: I'm sorry. Mr. Brown had his
5 hand up again.

6 THE HEARING OFFICER: Proceed, please.

7 BY MR. ANDONIAN:

8 Q. So, Ms. Walls, let me just ask you
9 specifically. In Charge Number 2-A, you state "In
10 public view on video on December 18th and 19th, 2021 -
11 instead of conducting a regular meeting, Brown" and then
12 there are a number of bullet points underneath that.

13 Can you just explain -- first of all, were you
14 in attendance at the meeting or at the gathering on
15 December 18th and 19th of 2021?

16 A. Yes.

17 Q. Okay. And the bullet points underneath 2-A,
18 are those things that you personally observed and have
19 knowledge of?

20 A. Yes.

21 Q. And did those things happen from your own
22 perspective and your own knowledge at the December 18th
23 and 19th gathering?

24 A. Yes.

25 Q. I'm going to move on to B. And I'm just going

1 to, again, highlight it.

2 Again, what I've done on -- this is the
3 legible version of NHO Exhibit B. And it's on the first
4 numbered page, and it's Charge 2-B. I'll just ask you,
5 Ms. Walls, if you can read that.

6 A. "In public view" --

7 THE HEARING OFFICER: Just read it to
8 yourself.

9 MR. ANDONIAN: Correct.

10 THE WITNESS: Oh, okay. I'm sorry.

11 Yes.

12 BY MR. ANDONIAN:

13 Q. Can you just describe -- I think you alluded
14 to this earlier in talking about the budget meeting.
15 Can you just describe in your own words, again, based on
16 your own experience and knowledge, what happened at the
17 December 29th meeting regarding the budget?

18 A. Yeah. So, essentially, he -- you know, he
19 proposed a budget that, if I remember correctly, we,
20 especially vice president/secretary-treasurer David
21 Jimenez, had expressed some, you know, issues with the
22 actual exaggerated -- some of the exaggerated numbers
23 that were on there.

24 But typically -- and I had served on this
25 board prior -- when budgets are being spoken about,

1 people have the ability to ask questions, to kind of --
2 normally, there is some -- they look at the programs
3 that are being ran so that they understand the actual
4 dollars that are being proposed for certain things. And
5 the board, again, has a fiduciary duty to make sure
6 that, you know, we're making sound decisions as a board
7 for the organization as a whole.

8 And this, B, is speaking to their inability to
9 do all of that, right? So he had started the
10 conversation with his -- with his binder full on
11 Facebook earlier that day. And, again, when it came
12 time for the board members to actually ask questions --
13 because, obviously, that Facebook thing was opened up to
14 everybody. He would do everything live for everyone.
15 So once the board was convened to have their
16 opportunity, he didn't really allow for too many
17 questions. And he definitely really didn't allow for
18 questions that were from people who didn't typically sit
19 on his side of the ship.

20 Q. With respect to the budget not passing, is it
21 your view, based on your own knowledge and based on your
22 own belief, that the budget didn't pass because
23 Mr. Brown did not give it a fair consideration or didn't
24 allow for fair consideration among the board members?

25 A. Yeah. I would agree that that's true. And I

1 actually had conversations stating that to be true as
2 well, right? Like, for example, I had some board
3 members say, "I would have voted" -- you know, "I would
4 have voted for the budget if..."

5 THE HEARING OFFICER: There is an objection.
6 Mr. Brown, your objection.

7 MR. BROWN: Objection. That's speculation on
8 what members would have done.

9 THE HEARING OFFICER: No. She's talking --
10 she's giving her opinion and --

11 MR. BROWN: Right. But she's speculating --

12 THE HEARING OFFICER: Mr. Brown, do not talk
13 over me. I will give you a chance to respond.

14 MR. BROWN: Sir, hold on. Sir, NHO La Rue, I
15 apologize --

16 THE HEARING OFFICER: Please do not respond
17 all over me.

18 MR. BROWN: I understand that.

19 (Overlapping voices.)

20 MR. BROWN: NHO La Rue, for the record, I'm
21 not trying to disrespect you. But you don't have to
22 scream at me either, sir.

23 THE HEARING OFFICER: Then don't talk over me.
24 This is the third time. Please.

25 MR. BROWN: But I'm not --

1 THE HEARING OFFICER: Ms. Walls --

2 MR. BROWN: NHO La Rue, I'm not trying to talk
3 over you.

4 THE HEARING OFFICER: Mr. Andonian, speak to
5 the objection, please.

6 MR. ANDONIAN: I believe she is not
7 speculating. She was actually reporting on what
8 somebody specifically told her. So as to the objection
9 that was raised, there is no basis for that.

10 THE HEARING OFFICER: Mr. Brown, you'll be
11 heard. You're muted.

12 MR. BROWN: Right. So my objection to this,
13 she can't speak for other members on the board. She can
14 offer her own opinion on how she feels. But for her to
15 speculate on other members of the board, they're going
16 to have to call every board member then. And this is
17 why I wanted to have a 65 member -- I'm sorry. I'm
18 sorry.

19 THE HEARING OFFICER: The objection is
20 overruled. The witness is testifying to her opinion
21 with regard to her conversations with board members.
22 That's acceptable. That's acceptable testimony. That's
23 the ruling. Overruled.

24 Mr. Andonian, you may proceed.

25 ///

1 BY MR. ANDONIAN:

2 Q. Ms. Walls, if I could just ask you to repeat
3 that. You mentioned you had spoken to one or more board
4 members, and they -- can you just repeat what you said
5 they said to you?

6 A. Yeah. They actually had confirmed that they
7 would have voted for Richard's budget if they would have
8 had the opportunity to ask the couple of questions that
9 were on their mind.

10 Q. What -- from your perspective, again, as a
11 vice president, as a member of the board, what was the
12 impact of not having a voted-on budget going into 2022?

13 A. I think it was not good for the board, like,
14 working together. It is kind of like a feel-good thing,
15 right? Like does a budget absolutely have to be passed
16 in order for business to continue? No. Should it be
17 passed so that we all agree, as a board, who has
18 fiduciary duties for the organization to run program a
19 certain way and spend dollars a certain way?
20 Absolutely, right?

21 We pride ourselves on being a member-run
22 organization, which is why all of those DLC presidents
23 who sit on the board have a fiduciary duty to make sure
24 that the dollars are being spent in an appropriate way.

25 You know, they were not allowed to do that in

1 this instance. And so I think it caused some dissension
2 from the board itself. And when that gets out into the
3 public, it also is not good for people that support us
4 and work with us to know that there is such dissension
5 amongst Local 1000's board, especially when it has to do
6 with the money. Because Local 1000 does carry a lot of
7 weight in dollars when it comes to, you know, union --
8 let's just call it what it is -- union politics, right,
9 overall.

10 Q. Ms. Walls, that reminds me. You mentioned a
11 little while ago about Mr. Brown addressing people over
12 Facebook, over Facebook Live, I guess, or whatever the
13 platform is called. I'm old enough that I am probably
14 saying it wrong.

15 Are you familiar with that platform and
16 Mr. Brown's addresses over Facebook?

17 A. Yes, unfortunately, I am.

18 Q. To your knowledge, were those interactions, in
19 fact, public?

20 A. Every single one.

21 Q. I'm going to turn back to the amended
22 attachment.

23 A. And still to this day, can I say -- sorry --
24 he made allegation to there being leakages. I'm sure we
25 could go to his Facebook Live because they're all on

1 Facebook.

2 THE HEARING OFFICER: Ms. Walls, that's beyond
3 the scope of the question.

4 THE WITNESS: Sorry, Mr. La Rue.

5 BY MR. ANDONIAN:

6 Q. And I believe, just to round out -- I'm
7 looking back at the amended attachment -- Charge 2-C I
8 believe you've just discussed.

9 I want to now turn to Charge Number 3. It
10 just reads over into the next page. If you could --
11 just like before, if you could read this to yourself.
12 And then I'll have a few questions about it.

13 A. Okay.

14 Q. In looking -- with respect to Charge Number 3,
15 can you just generally explain what the basis of this
16 charge was? And then I might have some follow-up
17 questions.

18 A. Yeah. So I guess I should start from the very
19 beginning because, as I had explained at the beginning
20 of this call, the executive committee -- or the
21 beginning of your questioning, the executive committee
22 does consist of the president and the three vice
23 presidents, especially at this time before any of the
24 changes from the Hall v. Brown lawsuit had been
25 implemented.

1 And so from the very beginning, because he had
2 chosen not to work with Ms. Irene Green, the executive
3 committee, when we would have conversation, would only
4 consist of myself, David Jimenez as vice
5 president/secretary-treasurer, and himself as president.
6 So already there was one -- one would argue that there
7 was one voice that should have been in the room that was
8 not allowed in from the gate.

9 Q. Ms. Walls, let me stop you right there. Just
10 so it's clear for the record, are you stating that
11 Ms. Green was not -- Mr. Brown did not permit Ms. Green
12 to be part of the executive meetings?

13 A. That's correct.

14 Q. And is it your understanding that Ms. Green,
15 as one of the vice presidents, was entitled to be part
16 of those meetings?

17 A. Yes. That's correct.

18 MR. ANDONIAN: Mr. La Rue, I see Mr. Brown has
19 his hand up.

20 THE HEARING OFFICER: Yes, Mr. Brown? You
21 need to unmute, Mr. Brown.

22 MR. BROWN: I object to that question.

23 THE HEARING OFFICER: The nature of your
24 objection?

25 MR. BROWN: Speculation.

1 THE HEARING OFFICER: Mr. Andonian?

2 MR. ANDONIAN: I don't -- there was no
3 speculation there, Mr. La Rue. She testified based on
4 what she knew to be true. If Mr. Brown wants to
5 cross-examine that, he can, but she's not speculating.

6 THE HEARING OFFICER: Objection is overruled.
7 Proceed, Mr. Andonian.

8 BY MR. ANDONIAN:

9 Q. Thank you, Ms. Walls. I'm sorry. I
10 interrupted. So you were saying that the meetings of
11 the executive committee were already, because of
12 Mr. Brown's actions, happening without one of the vice
13 presidents. Why don't you continue from there.

14 A. Yes. That's correct. So when there were
15 such, you know, things to discuss of, like, an executive
16 committee nature -- and I'll give an example of, like,
17 the lawsuits that are specifically named in three -- you
18 know, when things of that -- when things arise to that
19 level, that's typically one of the things that an
20 executive committee would meet and talk about. And to
21 some extent, us three would, especially in the beginning
22 when those lawsuits were first filed. I felt like we
23 were getting the information on those lawsuits.

24 Obviously, when lawsuits, as they continue,
25 different things happen. They're at different stages.

1 And so when, as an executive committee member, I was
2 asking for updates either of himself or of our chief
3 counsel, I was not always given answers. I was, you
4 know, kind of given the runaround I would say. There
5 were times, "Oh, we'll meet about that later. Oh, we'll
6 talk about that later." He would kind of push it off.

7 So there came a time where we hadn't talked
8 about specifics on those lawsuits in, you know, a good
9 amount of time. And so not getting any information and
10 knowing that there had to be movement and him not --
11 choosing to not want to talk to us about those specifics
12 or not -- and/or not allowing our chief counsel to talk
13 to us about those things grew to be very concerning as
14 time went on; as the lawsuits went on; and as, you know,
15 we could kind of see the writing that was starting to
16 get painted on the walls, which was the noninclusion in
17 important matters that were happening.

18 So some of these things would have even been
19 in, you know, some of, like, the -- some of the
20 decisions that were made, whether -- I guess another
21 example would be --

22 Q. Actually, Ms. Walls, if I could stop you just
23 before you move on.

24 A. Sure.

25 Q. One follow-up question.

1 What, if any, discussions did you,
2 Mr. Jimenez, and Mr. Brown, to the extent you had any
3 discussions, did you have about legal fees associated
4 with these lawsuits?

5 A. Very general. It was more like what we were
6 looking -- what it was looking like we would pay out
7 based off where we were at the time. It was very
8 general information about, like, the coverage of our
9 insurances, kind of how different -- because there were
10 three lawsuits, I believe; so how those were going to be
11 covered. Because I believe two of the three were
12 actually brought to us by the same counsel. And so
13 there were like -- there were different, like, conflicts
14 that we had to kind of know about or, you know, discuss
15 so we were kind of in the know about them and we
16 wouldn't kind of mess up, you know, when we were
17 having -- or weren't supposed to -- what we were and
18 weren't allowed to talk about was in those beginning
19 conversations.

20 Q. Okay. I believe you were moving on to another
21 example. So why don't you continue.

22 A. So, typically, other examples that executive
23 committee would meet on, at least in the past or per
24 policy file, would be things like big decisions, like
25 programs that were being pushed.

1 One other -- I'll use one of the examples that
2 really hit home for me. There was -- we can call it an
3 executive decision that was made by Mr. Brown when it
4 came to how representation was going to be done, and
5 that was not a conversation, when I as the vice
6 president of representation and organizing would have
7 had some very concerning things to bring up, which I did
8 after the fact. So...

9 Q. Let me just ask you this question. In your
10 role or capacity as a vice president and a director of
11 the Union, did you feel you had enough information about
12 these lawsuits and about the money in association with
13 these lawsuits to be properly overseeing or properly
14 doing due diligence on behalf of the Union?

15 A. No.

16 Q. I'm going to turn now to paragraph Number 4.
17 There is a 4-A and B. So I'm highlighting that. And
18 then if you could, again, read it to yourself and let me
19 know when you're done, and I'll have a few questions.

20 A. Okay.

21 Q. Paragraph -- or Charge Number 4 talks about,
22 in the first instance, Mr. Brown's attempt to suspend
23 you and the other two vice presidents, Mr. Jimenez and
24 Ms. Green.

25 Can you just describe briefly what your

1 understanding is that the basis of that suspension
2 attempt was?

3 A. Yeah. Unfortunately for him, he quoted the
4 wrong policy file. So when he attempted to suspend us
5 from what he thought was our duties, he actually -- the
6 letter that he sent us quoted the policy file for the
7 suspension of membership. And for the suspension of
8 membership, there is a process that was not followed.
9 We were not given our due process in that -- in that
10 process, right? And, like I said, he quoted the wrong
11 policy file.

12 We had already been in conversations, given
13 some of the things that had been happening. And so
14 given -- he first, actually, had turned off all of our
15 abilities to be on, like, the email systems and turned
16 off our key cards and everything. So, yeah, we ended up
17 suspending him, as we can per the policy file, for the
18 three vice presidents who think that the president is
19 doing something bad enough to suspend him. And we were
20 able to come together on that to do so.

21 Q. I'm going to ask you some questions about that
22 in a minute, but let me just back up.

23 What is your own understanding of why
24 Mr. Brown attempted to suspend you?

25 A. He thought -- I believe that he didn't trust

1 us and he felt like we were meeting against him. There
2 had actually been some correspondence kind of -- I don't
3 even want to say alluding to because I kind of busted it
4 out that we were attempting -- we were coming together
5 and having those conversations.

6 So I think he did it because he knew we were
7 moving. And at that point, he had already been not
8 talking to us for a while.

9 My personal suspicions, and I feel like we'll
10 get a -- what do you call it? He's going to object to
11 it. But my suspicions were that he was trying to not
12 get served. And so he had closed down the offices to
13 all of us for about two weeks prior to -- like leading
14 up to the suspension.

15 So I had been trying to meet with him
16 regarding some representation issues. He would not meet
17 me in person. He would not meet me -- he didn't want to
18 have more than a two-minute conversation where he was
19 kind of letting me tell him why I wanted to talk to him
20 and then he had to go.

21 THE HEARING OFFICER: Ms. Walls, stop, please.
22 Mr. Brown, your objection.

23 MR. BROWN: Well, since Ms. Walls brought up
24 the fact that I would probably object to this, then I'm
25 going to object to it. Because she's trying to

1 speculate what's going on inside my mind, which I don't
2 mind. But she's speculating.

3 THE HEARING OFFICER: Mr. Andonian.

4 MR. ANDONIAN: Mr. La Rue, I believe what
5 Ms. Walls is doing is she is giving her own impression
6 of the circumstances that led to her suspension. I
7 don't think she's purporting to know exactly -- or to
8 say exactly what Mr. Brown was thinking. She was part
9 of these interactions and the lead-up to the suspensions
10 and certainly is a competent witness to talk about her
11 perception of the events and what the inferences from
12 those might be. So, obviously, you're entitled to give
13 it the weight it's entitled to.

14 THE HEARING OFFICER: Mr. Brown.

15 MR. BROWN: So I respect Anica Walls's
16 speculation. So if we allow her to speculate and give
17 her testimony on what she thinks is right, then,
18 hopefully, I'll get the same respect when I do my
19 testimony and my witnesses do their testimony when they
20 also state how they feel.

21 THE HEARING OFFICER: Ms. Walls, please
22 confine your remarks, your testimony to your opinions
23 and refrain from purporting to say what is in
24 Mr. Brown's mind.

25 Very well?

1 THE WITNESS: My apologies. Yes. Thank you.

2 THE HEARING OFFICER: Do you understand my
3 instruction?

4 THE WITNESS: I do. Thank you.

5 THE HEARING OFFICER: Mr. Andonian.

6 MR. ANDONIAN: Thank you, Mr. La Rue.

7 BY MR. ANDONIAN:

8 Q. Ms. Walls, let me ask you a question. When
9 Mr. Brown revoked your email privileges and locked you
10 out of the Union -- I believe that's what you testified
11 to -- what, if any, impact did that have on your ability
12 to perform your functions as a vice president of the
13 Union?

14 A. Oh, I get hundreds of emails a day in regards
15 to various issues, various worksites, various notices,
16 my calendar. And so taking me off of the system or
17 shutting my access down didn't enable me to do any of
18 that.

19 So if I didn't have a phone number saved in my
20 personal phone, that's about all I could do was make
21 phone calls. I couldn't read my email, couldn't access
22 any of the folders that I had, didn't know, you know,
23 what issues were coming in. The MRC was no longer
24 forwarding me calls. Staff members were not answering
25 calls, all of that. My building keys didn't work; so I

1 couldn't access my office that had both personal and
2 work items that helped me do my job. So I didn't have
3 access to any of that.

4 Q. So would you agree that Mr. Brown's actions
5 caused a substantial interference in your ability to
6 perform your job as vice president?

7 A. Oh, for sure.

8 Q. Now, you mentioned a minute ago your decision
9 and the decision that you made in concert with the other
10 two vice presidents to eventually suspend Mr. Brown per
11 the policy file.

12 Can you just explain briefly what the basis
13 for that decision, to suspend Mr. Brown, was?

14 A. Yeah. So there were multiple things. There
15 were issues with, as we talked about in the earlier
16 bullet points, right, he wasn't holding meetings. He
17 wasn't allowing the board to do their fiduciary duties.

18 You know, to the best of my ability, I tried
19 to have conversations with him and share opinions as to
20 how I thought maybe he could do things better in regards
21 to the Irene Green situation and the lockout there. I
22 had personally been locked out from the prior
23 administration for a brief amount of time, and I had
24 been -- I was not allowed to do the full scope of my
25 duties then. And so I understood what Irene was going

1 through. And I had advised him that he at least try to
2 work with her and let her access the building and do
3 what she could do.

4 Obviously, you know, many of my
5 recommendations and suggestions were not followed
6 because if he didn't -- you know, if Richard didn't
7 think it was something we should do, then we wouldn't do
8 it.

9 I tried to give recommendations when it came
10 to the unilateral decision that he made in regards to
11 representation. And that, for me, was huge.
12 Essentially, if I can take a couple of minutes, what he
13 did could have put the organization in a lot of legal
14 hot water. And we, in my opinion, were already in legal
15 hot water given the three lawsuits that were already on
16 the table against the organization and himself. And the
17 unilateral decision that he made was that -- so our DLC
18 presidents would have to make the decision as to who
19 would handle their representation case.

20 So rather than the call coming in and going to
21 our reps, the reps were given the directive that they
22 could not move on an item or an issue without the
23 direction of the DLC president.

24 And we at this level know, unfortunately, that
25 all of our leaders are not super responsive. We have

1 some leaders that we need to hold accountable. We have
2 some leaders who are awesome.

3 But my fear was that a health and safety
4 grievance would come in and we would not have the
5 response that we needed to have within the time frame,
6 and that would have caused what we call a duty of unfair
7 representation.

8 And so those were big-ticket items that I
9 didn't think the organization could withstand given
10 where we already were. And so given his inability to
11 meet with me and/or have a meaningful conversation about
12 it and/or change his mind when I was able to give, like,
13 "Hey, wait, but I really don't think it's a good idea,"
14 you know, trying to have those kinds of, like I said,
15 very brief conversations on the phone before he would
16 tell me he had to go, I saw that we weren't going
17 anywhere. And at that time he had closed down the
18 office, like I said, for -- I believe it was about two
19 weeks leading up to this.

20 In my opinion, there was only one thing left
21 to do, and that was to suspend him.

22 Q. Was the decision -- was your decision to
23 suspend Mr. Brown based on any personal vendetta or
24 personal grudge against Mr. Brown?

25 A. No. I've been -- I've actually been trying to

1 work with Richard since we got elected. He would
2 probably -- I'm sorry. I would argue we actually met
3 one to two times prior to having been elected together
4 because we really wanted to try to not split the vote
5 and we were trying to get Richard to not run for
6 president. So I'd been trying to work with Richard.

7 And my not being so hard on the way that he
8 acted with people and the way that I saw him not holding
9 meetings, all of that, I didn't -- I wasn't as harsh as
10 maybe -- I would even now argue that I should have been,
11 right, because now we're here.

12 The suspension probably arguably should have
13 come sooner. But because we were trying to work with
14 the man, it took a lot of stuff for us -- for me to
15 finally say, "Okay. You know what? This is it. Last
16 straw. Can't do it anymore."

17 Q. You mentioned just right now about the way
18 Mr. Brown treated others or acted towards others,
19 whatever your exact wording was. Let me ask you this
20 question.

21 You were present in the hearing during Michael
22 Guss's case when he played certain video clips of
23 Mr. Brown; is that right?

24 A. Yes.

25 Q. Did you see how Mr. Brown was acting and

1 conducting himself in those video clips with respect to
2 how he was talking to other people?

3 A. I did.

4 Q. Okay. Can you just describe for us whether or
5 not what we saw in the video was typical, atypical of
6 Mr. Brown's conduct generally with respect to how he
7 talked to other people, particularly those he disagreed
8 with?

9 A. Very typical.

10 Q. And were you able to personally observe that
11 kind of behavior, whether it was in meetings or on the
12 Facebook Live platform?

13 A. I still watch them to this day. Yes.

14 Q. In your -- again, I'm asking your own view as
15 a vice president of the Union, as a member of the board
16 of directors. Is Mr. Brown's conduct and the way he
17 talks to people, particularly given that the Facebook
18 platform is public, do you feel that that has any impact
19 on the union's reputation?

20 A. Oh, I know it does.

21 Q. Okay. Can you just describe a little bit
22 about that, whether it's a positive or negative impact?

23 A. Well, I have many conversations with many
24 people, both -- you know, not only our members but our
25 non-members, people at state counsel, other unions who

1 work with us or did work with us as well as other
2 leaders in the community, not necessarily union. And
3 more than not people were concerned with the well-being
4 of the organization with Richard as the leader.

5 Q. Ms. Walls, I'm now going to turn to the next
6 couple of paragraphs.

7 Sorry. I believe Mr. Brown has an objection.

8 THE HEARING OFFICER: Mr. Brown, go ahead.

9 MR. BROWN: Yes. When she said that other
10 people had a concern about the well-being of the Union,
11 that's calling for speculation unless we're able to call
12 those people --

13 THE HEARING OFFICER: No, that's her opinion.

14 MR. BROWN: No, but it's her opinion what
15 other people said.

16 THE HEARING OFFICER: Yes. That's her
17 opinion. I can accept or reject it.

18 MR. BROWN: Okay. Okay. Okay.

19 THE HEARING OFFICER: Mr. Andonian, proceed.
20 BY MR. ANDONIAN:

21 Q. Ms. Walls, I'm calling your attention now to
22 paragraph 5 and paragraph 6 of the charging amended
23 document. I'll represent these both have to do with
24 Mr. Brown's takeover of the Union headquarters. If you
25 want to just read it to yourself briefly, then I'll have

1 some questions. And whenever you're ready for me to
2 scroll up, just let me know.

3 A. Yeah, scroll up. I was already a step ahead
4 of you.

5 THE HEARING OFFICER: Mr. Andonian, I was
6 going to try to hold off on calling a recess until 3:00.
7 But since this is a pretty significant piece of the
8 testimony, I think we should take a break here.

9 MR. ANDONIAN: Very well.

10 THE HEARING OFFICER: I have -- let's be back
11 at -- it's 3:00 o'clock here. It would be noon your
12 time, California time.

13 Please do not sign off the platform. What you
14 should do is turn off your mic, turn off your video. If
15 you're going to have a conversation, leave the room so
16 your conversation can't be overheard on Zoom. And let's
17 be back at 3:00 o'clock. Thank you.

18 (Break taken from 11:42 a.m. to noon.)

19 THE HEARING OFFICER: We're back on the
20 record.

21 Mr. Andonian, you may continue your direct
22 examination.

23 MR. ANDONIAN: Thank you.

24 BY MR. ANDONIAN:

25 Q. Ms. Walls, you need to take yourself off mute.

1 I'll spare you the talking first.

2 A. Thank you.

3 Q. Calling your attention to Charges Number 5
4 and 6 on the amended sheet. And if you could, I've
5 highlighted -- I think you said you had already begun
6 reading. And so I'm scrolling down to this page. If
7 you could just finish reading these two paragraphs to
8 yourself, and I'll have some questions.

9 THE HEARING OFFICER: Mr. Andonian, did you
10 intend to have the document on screen?

11 MR. ANDONIAN: Yes, I did. That would
12 certainly be helpful. Sorry. Okay. Now we should be
13 back.

14 MS. LYNCH: My apologies. Can you go up to 5,
15 please?

16 THE HEARING OFFICER: Didn't hear you. You
17 were muffled by echo, Ms. Lynch.

18 MS. LYNCH: My apologies. I was just asking
19 Mr. Andonian --

20 THE HEARING OFFICER: Mute one of those. Say
21 again.

22 MS. LYNCH: I was just asking if Mr. Andonian
23 could go up to 5.

24 THE HEARING OFFICER: He's asking the witness
25 to read 6, though.

1 Mr. Andonian, you're muted.

2 MR. ANDONIAN: I'm sorry. I believe the
3 witness already read 5, but I'm happy to back it up and
4 we can do it again.

5 THE WITNESS: I'm good whenever you're ready.
6 I'm done with 6 too.

7 BY MR. ANDONIAN:

8 Q. Ms. Walls, with respect to Charges Number 5
9 and 6, I have a series of questions.

10 First of all, as the charge states "As of
11 March 5th, 2022," Mr. Brown engaged in the conduct
12 that's described.

13 Was March 5th of 2022 before or after you and
14 the other vice presidents suspended Mr. Brown from
15 office?

16 A. After.

17 Q. With respect to Mr. Brown's, I guess, status
18 within the Union, after Mr. Brown was suspended from
19 office, what, if any, rights or authority did he have to
20 be exercising duties associated with the office of the
21 presidency?

22 A. He didn't. As of the policy file quoted in
23 his suspension, David was the acting president -- is the
24 acting president until these proceedings are complete
25 and the board makes a decision, assuming everything was

1 filed on time. So his access was revoked after the
2 suspension, and so he didn't have any.

3 Q. Were you personally present at the Union
4 headquarters on March 5th when Mr. Brown first entered?

5 A. No, I was not. I was in Los Angeles.

6 Q. Do you have any firsthand knowledge based on
7 accounts of others who were there what exactly was
8 happening on that day?

9 A. I do, yes.

10 Q. And so only based on what you know from direct
11 reports -- I'm not asking you for speculation at all --
12 what is your understanding of what happened?

13 A. My understanding was that they had gotten --
14 "they" meaning Richard and some of his supporters had
15 gained access to the building and were refusing to
16 leave, were threatening to break open -- or to, you
17 know, basically change locks or whatever, do whatever
18 they needed to do to get to the areas they wanted to get
19 to.

20 I don't remember if it was that day that they
21 actually gained the access or not to the upstairs and to
22 legal and that stuff. But, obviously, they were already
23 talking about doing what was necessary and that they
24 weren't leaving.

25 Q. Let me ask you a question, Ms. Walls.

1 THE HEARING OFFICER: One second. Hold on one
2 second.

3 Mr. Brown, your objection? You have to
4 unmute.

5 MR. BROWN: I'm going to object because she
6 can't speculate to what people were thinking or saying.

7 THE HEARING OFFICER: That wasn't her
8 testimony. The question was what did she understand
9 from direct conversations with others, not what they
10 were thinking.

11 MR. BROWN: So when she -- okay. Because she
12 wasn't there, she can still listen to what other people
13 told her and she can talk about that part?

14 THE HEARING OFFICER: Hearsay evidence is
15 admitted in proceedings of this kind. And it stands for
16 me to weigh that hearsay testimony against the other
17 testimony to determine what weight I will give it.

18 MR. BROWN: Yes, sir.

19 THE HEARING OFFICER: Mr. Andonian.

20 BY MR. ANDONIAN:

21 Q. Ms. Walls, you said a moment ago, you referred
22 to upstairs and to legal with respect to areas of the
23 Union building that Mr. Brown was seeking access to.

24 Can you just explain for us what you mean by
25 "upstairs" and "legal"? What does that encompass?

1 A. So in the 1808 building, which has the
2 executive officers offices in it, the downstairs portion
3 of that area to the left is where legal had all of
4 their -- you know, all of their everything. That was
5 their area. To gain access to these areas, it's all by,
6 like, a key card.

7 And so both that area as well as the stair
8 access and/or the elevator needed a key card entrance to
9 get in. And upstairs, on the second floor, is where the
10 executive officers' offices are, the executive suites I
11 guess you would call it, as well as accounting.

12 Q. Just to be clear now with that context, after
13 Mr. Brown was suspended, did he have access to any of
14 the areas that you just mentioned?

15 A. He did not. His key card access had been cut.

16 Q. Now, did there come a point when you were
17 physically present in the building while Mr. Brown and
18 his supporters were still inside?

19 A. Yes.

20 Q. Okay. Can you just describe when that was?

21 A. The day that he ended up leaving the building.
22 I believe it was the same day that the fire department
23 had -- it's a hazard, right, violation to have the doors
24 chained shut. So it was when they had come and opened
25 and unchained the doors that we were able to get in.

1 Q. Okay. I'm going to ask you some questions
2 about that in a moment.

3 But just at the outset, when you said the day
4 that Mr. Brown left, how many days -- and it can be
5 approximate if you don't know precisely -- but how many
6 days was Mr. Brown and his supporters in the building
7 before they left?

8 A. That is a great question. I want to say
9 probably just under two weeks, something like eight days
10 maybe. I don't know. Something like that.

11 Q. Is it more than one day?

12 A. Oh, definitely more than a day. It was closer
13 to two weeks.

14 Q. At any point in time that Mr. Brown was inside
15 the Union headquarters during the period that we're
16 talking about, whatever length of time it was, did he
17 ever get access -- or did he ever have permission or
18 authority to be in there?

19 A. No.

20 Q. Okay. You mentioned doors being chained and
21 the fire marshal having to come to open it.

22 Can you explain what you mean by that?

23 A. Yeah. There were physical chains that they
24 had wrapped around the doors so that we couldn't get in
25 at all. Yeah.

1 Q. And the fire -- the fire marshal actually had
2 to come out to the property and physically open the
3 building?

4 A. Yes.

5 Q. And that, in fact, happened?

6 A. Yes.

7 Q. Were the police ever called to respond to the
8 building also?

9 A. Yes.

10 Q. Okay. And did you see fire marshal personnel
11 and police officers when you were physically there?

12 A. No. I think they had just left.

13 Q. Okay. But you were aware that they had been
14 there?

15 A. Yes.

16 Q. Okay. Did you have an occasion on that day
17 that you're talking about, when Mr. Brown eventually
18 left the building, did you go inside the building?

19 A. I did.

20 Q. Did you have an opportunity to observe the
21 premises: doors, locks, offices, et cetera?

22 A. I did.

23 Q. Okay. And can you just describe for us what,
24 if anything, you saw or noticed?

25 A. There were a couple of doors that the locks

1 had been, you know, like jimmied. You could tell there
2 were like pieces of the front part of the lock that were
3 off. You know, you kind of stick your hand in places
4 you shouldn't normally be able to stick your finger
5 into. That was, I want to say, like, on two or three of
6 the doors that I remember, specifically going into his
7 area of the suites.

8 Other than that, you could just kind of tell
9 that, you know, people had been staying there. So the
10 lunchroom kind of looked -- you know, not messy but, you
11 know, you could just tell people had been inhabiting
12 certain areas. But other than that, it was just the
13 doors -- you know, the locks being messed with. You can
14 tell they had been messed with, and some pieces were
15 missing altogether from the locks.

16 Q. If you had a key card, if an individual had a
17 key card that gave them access to the different areas of
18 the Union building, would there be any need to change
19 locks or otherwise tamper with locks in order to get in?

20 A. No.

21 Q. As the suspended president during that time,
22 did Mr. Brown have any authority to change locks or
23 tamper with locks inside the Union building?

24 A. No.

25 Q. Did you actually see Mr. Brown inside the

1 building on that final day when you got there?

2 A. Yes.

3 MR. ANDONIAN: I believe Mr. Brown has an
4 objection.

5 THE HEARING OFFICER: I'm sorry. Mr. Brown?

6 MR. BROWN: There was a dispute on, quote,
7 "the suspension" of me. So when they say that -- or
8 when Anica says that I was doing all these things as a
9 suspended president, that was still under dispute.

10 THE HEARING OFFICER: Save it for
11 cross-examination of the witness, Mr. Brown.

12 MR. BROWN: Yes, sir.

13 Oh --

14 THE HEARING OFFICER: Go ahead.

15 MR. BROWN: Isn't it prejudicial for
16 Mr. Andonian to keep saying "as a suspended president"
17 regarding this March 5th through March 10th time frame?

18 THE HEARING OFFICER: As I said, save it for
19 cross-examination. You can clarify it if you think it
20 was wrong.

21 MR. BROWN: Yes, sir.

22 MR. ANDONIAN: Your Honor -- Mr. La Rue --
23 sorry -- if I might, this was subject to the hearing
24 officer's interim ruling in which you, in fact, found
25 that the suspension of the vice presidents was

1 procedurally improper. So I don't -- there was also a
2 temporary restraining order that was entered by a
3 superior court judge. I don't believe I'm saying
4 anything that's not already in the record.

5 THE HEARING OFFICER: My point still remains.
6 If Mr. Brown wants to contest what the witness is saying
7 with regard to this, he can do so on cross-examination.
8 So I'm not preventing this line of questioning or the
9 use of terms. Mr. Brown will have the opportunity,
10 however, to cross-examine the witness's statement and
11 basis for this statement if he wishes to do so.

12 MR. ANDONIAN: Very well.

13 BY MR. ANDONIAN:

14 Q. Ms. Walls, I believe the question I was asking
15 was whether you actually saw Mr. Brown in the building
16 on the day that you were there, the day that you left?

17 A. I did.

18 Q. Okay. And can you describe what, if anything,
19 you saw Mr. Brown doing while inside the building on
20 that day?

21 A. He was collecting what he considered to be his
22 stuff.

23 Q. And when you say "what he considered to be his
24 stuff," can you just describe specifically what you saw
25 Mr. Brown collecting?

1 A. Yeah. Binders of papers, I believe I saw a
2 printer leave, multiple -- I would call them USPS
3 buckets, the clear white buckets of stuff being taken to
4 cars. I believe there were two cars that ended up
5 leaving full of stuff.

6 Q. Let me just ask, with respect to the printer,
7 you saw Mr. Brown leaving with a printer?

8 A. Yeah. There was a printer that was taken.

9 THE HEARING OFFICER: No, that wasn't the
10 question, Ms. Walls. The question was much more
11 specific than that.

12 Mr. Andonian, please repeat the question.

13 MR. ANDONIAN: Sure.

14 BY MR. ANDONIAN:

15 Q. I just was clarifying that you saw Mr. Brown
16 taking a printer?

17 A. Yes.

18 Q. With respect to -- and what office or what
19 area of the Union building was Mr. Brown taking the
20 items that you described from?

21 A. His office.

22 Q. When you say "his office," do you mean his
23 office as the president of the Union?

24 A. That's correct, yes. There is office suites.
25 Within the suite, it's kind of sectioned off and there

1 are two doors. So in his area, there are two different
2 doors that can access that area. And both himself and
3 VP/Secretary David Jimenez would have direct access to
4 that area. He kind of didn't come any further than the
5 printer area, which is the area right next door to my
6 office. And he accessed all of that.

7 So when I saw him taking stuff, it was from
8 what I would guess was his office because it was from
9 the outer door of the very last office space, right?
10 Yeah.

11 Q. As the suspended president of the Union at
12 that time, did Mr. Brown have access -- lawful,
13 permissible access to that particular area of the
14 building?

15 A. I believe our staff was helping him do
16 whatever he needed to do to exit the building.

17 Q. Oh, understood. What I mean is, all things
18 being equal, when Mr. Brown was -- let me ask it a
19 better way.

20 When Mr. Brown was suspended from office, was
21 his access to that part of the building where his office
22 as president was, was that restricted?

23 A. Yes. He didn't have access to any part of the
24 building at all once suspended.

25 Q. And with respect to the printer, does the

1 Union provide a printer for the president in that
2 person's capacity as an officer of the Union?

3 A. I would assume so. He had his own printer in
4 his office.

5 THE HEARING OFFICER: Ms. Walls, do you know
6 from your personal knowledge the answer to his question?
7 If not, I don't want you to speculate as to what might
8 have been.

9 THE WITNESS: I don't know.

10 BY MR. ANDONIAN:

11 Q. And just to be clear, you saw personally
12 Mr. Brown or others removing, you said, a printer and
13 then clear boxes of materials from the Union building,
14 in particular, the area where his office as president
15 was; is that right?

16 A. That's correct.

17 Q. And that material was loaded into Mr. Brown's
18 car?

19 A. I don't know if it was his car.

20 Q. But it was put into a car?

21 A. Yes.

22 Q. And then that car left the premises; is that
23 correct?

24 A. Yes.

25 Q. When Mr. Brown was in the building with his

1 supporters prior to the day you've just described when
2 he eventually left, what, if any, impacts did his
3 occupation of the building have on the union's ability
4 to function?

5 A. I would argue many.

6 Q. Why don't you explain what you mean by that.

7 A. So while he was inhabiting the buildings, our
8 staff wasn't able to access -- you know, for just their
9 safety, they weren't sure what was happening. And so,
10 you know, we were keeping everybody off premises. So
11 any documents or files that they needed to access from
12 any one of the buildings, our legal staff didn't -- they
13 were obviously not allowed to come into the buildings,
14 nor should they have, I would argue, because of safety.
15 You just never know.

16 And so, essentially, you know, I think reps
17 did their best, but they weren't able to do their jobs
18 as they normally do. You know, nobody. I mean, even
19 our facilities people were kind of just there to watch
20 and report. And so they weren't -- you know, mail
21 collection had to be deferred or sent elsewhere,
22 different things of that nature. So business was
23 interrupted completely.

24 Q. Would you describe that as a positive or
25 negative impact on the Union?

1 A. Oh, definitely negative. It set us back.

2 Q. With respect to the perception, the public
3 perception or the reputation of the Union, do you have
4 any firsthand personal knowledge of whether or not this
5 episode was detrimental to the union's reputation?

6 A. I would argue yes. I had many conversations,
7 like I had stated before, with individuals who worked
8 with us in various capacities, with different unions and
9 leaders in those unions, with our members and our
10 represented employees. I would argue that we're still
11 kind of trying to recover from that.

12 Q. Ms. Walls, I'm now turning to the last several
13 paragraphs. I'm sorry for scrolling quickly. I'm at
14 paragraph Number 7 or Charge Number 7. I've highlighted
15 that. If you can take a moment to read that and let me
16 know when you're done.

17 A. Mm-hmm.

18 Q. Okay. So can you explain to us what the issue
19 is here with Mr. Brown, what appears to be, giving a
20 benefit for staff members of the Union? Can you explain
21 what the issue is and what the basis of this being a
22 charge is?

23 A. So at face value it could appear to be a good
24 thing because you're allowing staff to have more
25 holidays outside of the collective bargaining process.

1 However, if you look at the days that he was adding, you
2 know, I believe I remember actually having the
3 conversation with him, as he was making some of these
4 decisions, that some of these days were unnecessary. So
5 what he was doing essentially was looking at a calendar
6 and deciding whether or not somebody would get
7 additional time off around a holiday. So I'll give you
8 an example, right? Juneteenth, great one; right?
9 Probably well deserved. We're trying to get it for our
10 state employees. Do we want to give it to our staff?
11 Yes.

12 You know, there was a -- I believe it was the
13 day -- so like the Thanksgiving one -- or let's use
14 Memorial Day. He tacked on -- right -- that's usually a
15 Monday holiday. So he would have tacked on a Friday to
16 that Monday, which to me made no sense.

17 So there were some days that made some sense,
18 and other days I was thinking, like, why? Because we
19 are still an employer and need to make good financial
20 decisions. And 12 additional holidays that they could
21 play with and our cash out could organizationally cost
22 us a lot of money.

23 And, again, we were looking at lawsuits and
24 having to pay stuff out. So in my opinion, we needed to
25 be a little bit frugal with the way we were spending

1 money. And although, like I said, some of them were, I
2 believe, merited, I think some of them were outlandish
3 and unnecessary.

4 Q. And when you say that those decisions would
5 cost the Union money, how is that the case?

6 A. Well, I mean, days off are days that our staff
7 isn't doing work and that we have to pay out. And if
8 they, depending on how they either utilize them, don't
9 utilize them, at some point, though, we have other rules
10 where you have to cash some stuff out. So it adds up
11 monetarily for us in our bigger budget.

12 Q. You state in the charge in paragraph 7 that
13 Mr. Brown, quote, "defied the board."

14 Did the board approve of the changes to the
15 leave that Mr. Brown implemented?

16 A. No.

17 Q. And does the board have a role in approving or
18 not approving policy changes such as increasing the
19 amount of holiday time that staff members get?

20 A. This typically, I believe, would have gone to
21 the board, yes.

22 Q. Okay. I'm now turning to paragraph 8. I
23 believe this also kind of goes into the next page. So
24 I'll highlight it and then I'll scroll back up. And
25 just let me know -- there we go.

1 A. Yeah.

2 Q. Okay. Can you describe what the basis of this
3 particular paragraph is, specifically explaining what
4 Mr. Brown did in terms of abusing -- you characterize
5 this, quote, "He abused his position and authority when
6 he demanded the chief of staff to discipline staff if
7 they gave information to the vice presidents even if it
8 was necessary or affecting the duties of their office."

9 What do you mean by that?

10 A. So there were -- there were multiple
11 occasions -- well, there was one occasion where a staff
12 was written up for their communications -- or their -- I
13 mean, basically their insubordination to the president,
14 right?

15 Specifically, though, there were also some
16 write-ups in direct violation to the directive that he
17 gave in regards to that representation that I had talked
18 about earlier. So he basically was abusing his
19 authority by telling people that they couldn't talk to
20 me about some of the issues that were happening, both at
21 the director level and at the rep level.

22 And so that's -- you know, that's troublesome
23 when I'm the vice president of representation and
24 organizing and usually have a pretty open communication
25 with directors in that area as well as the staff under

1 them.

2 Q. Okay. You have some quotes here on the second
3 page of paragraph Number 8 starting with "All
4 communications with Anica are over" and going through
5 the end of that paragraph before paragraph 9.

6 Are those all things Mr. Brown actually said?

7 A. Those were all things that were on a text,
8 yes, things that he had said via text.

9 Q. And he had said that via text. Do you have
10 personal firsthand knowledge of that text?

11 A. I do. I saw the phone that they were sent on.

12 Q. When Mr. Brown declared that all
13 communications with you were over and otherwise was
14 making it difficult or potentially impossible for staff
15 members to share information with you, did that impact
16 your duties as vice president or your ability to fulfill
17 your duties as vice president?

18 A. That's a tricky one for me to answer
19 because -- I mean, yes, it would. But I think
20 individuals were already starting to make decisions --
21 conscious decisions. And so they weren't necessarily
22 following that directive. That's how I have -- you
23 know, that's how I was able to see some of this and get
24 some of the evidence.

25 So the directive that he gave wasn't

1 necessarily being followed. And so, yeah, because of
2 the relationships I had built, people saw and felt that
3 things were not happening as they should nor being done
4 correctly. And so they notified me of it.

5 Q. If the directive had been followed and people,
6 in fact, stopped sharing information with you, would
7 that have had a negative impact on your ability to
8 fulfill your duties?

9 A. Absolutely. And I experienced that in my
10 first term. So yes.

11 Q. Okay. We're almost done. I just want to get
12 to the last two.

13 So Number 9 -- and this might be an offshoot
14 of Number 8. But if you could read that and let me know
15 when you're done.

16 A. Yeah. And it is, it's kind of an offshoot of
17 what we just talked about and what we had talked about
18 before in terms of the way that he had treated people.

19 Q. And then finally paragraph Number 10, if you
20 could just read that and let me know when you're done.

21 A. Yes. That's accurate as well.

22 Q. And if I could just ask. Is the basis of this
23 charge that Mr. Brown was intentionally not acting on
24 charges that had been duly filed by members?

25 A. That's correct.

1 Q. Okay. And what is the basis of the charge,
2 specifically that Mr. Brown was intentionally not
3 responding to charges that had been filed?

4 A. Yeah, or having -- or, you know, suggesting
5 that they be thrown out because they're frivolous,
6 right? Trying to allude to or give David a way to move,
7 because technically, you know, depending, right, one of
8 them would have to -- depending on who the charges were
9 filed on, one of them would have to assign a hearing
10 officer. And so he would make conversations of that
11 nature too, about not wanting to, you know, give one or
12 -- this one or that one weight depending on who filed it
13 and why.

14 Q. Ms. Walls, just a few more questions.

15 Do you still stand by all of the allegations
16 that you made in the amended attachment to your charging
17 document?

18 A. I do.

19 Q. Do you still believe that suspending Mr. Brown
20 from office and bringing these charges was the correct
21 course of action?

22 A. I do.

23 MR. ANDONIAN: Thank you. That's all I have,
24 Mr. La Rue.

25 THE HEARING OFFICER: All right: We've now

1 completed the direct examination of Ms. Walls. It's a
2 little past lunchtime. I would suggest that we take a
3 lunch break here. It's 12:30. 1:15? Is that suitable
4 to everyone?

5 MS. LYNCH: Can we do 1:30?

6 THE HEARING OFFICER: Because I do want to
7 give -- Mr. Brown?

8 MR. BROWN: Yes. Can we do it at 1:30? One
9 of my assistants has a medical situation.

10 THE HEARING OFFICER: Mr. Andonian, do you
11 have any objection?

12 MR. ANDONIAN: I don't. I believe it's
13 Mr. Brown's clock at this point.

14 THE HEARING OFFICER: Very well. 1:30, then.
15 We will resume.

16 Mr. Brown, you will cross-examine the witness.
17 Just understand that, on direct examination, you cannot
18 ask leading questions. What that means is that the
19 question that you ask may not -- I'm sorry. My bad.
20 You may ask leading questions. This is
21 cross-examination. My apologies. I misspoke.

22 Ms. Walls, during the break, you may not have
23 any discussion with Mr. Andonian or anyone else with
24 regard to this matter. You are still under oath and on
25 the witness stand.

1 Do you understand?

2 THE WITNESS: Yes.

3 THE HEARING OFFICER: All right. Thank you.

4 Again, I would advise, let's not leave the
5 platform. Simply turn off your mic, turn off your
6 video, and leave the space so that you can talk without
7 being overheard.

8 All right. We'll be back at 1:30. Thank you.

9 (Whereupon, a lunch break was taken at
10 12:33 p.m.)

11 (On the record at 1:48 p.m.)

12 THE HEARING OFFICER: Mr. Brown, you need to
13 unmute.

14 Ms. Walls, please unmute.

15 MR. BROWN: Can you hear me?

16 THE HEARING OFFICER: We can now, yes.

17 We're back on the record, and this is the
18 cross-examination of Ms. Walls.

19 You may proceed, Mr. Brown.

20 MR. BROWN: Okay. Thank you.

21 CROSS-EXAMINATION

22 BY MR. BROWN:

23 Q. All right. So here's my first question for
24 Anica.

25 You stated earlier today in your testimony

1 with Mr. Andonian that, quote, "He did call some
2 meetings."

3 Is that correct?

4 A. Yes.

5 Q. And then you also stated, in your Allegation 1
6 on the HR1, "Richard Louis Brown has willfully failed to
7 hold meetings of the board of directors as required by
8 bylaws and policy file."

9 Is that correct?

10 A. Yes.

11 Q. Okay. So Allegation 1 is false because, by
12 your own admission --

13 THE HEARING OFFICER: No, no, no. Mr. Brown,
14 you're making a statement now.

15 MR. BROWN: Oh, I'm sorry.

16 THE HEARING OFFICER: This is argument.

17 MR. BROWN: Okay. I'm sorry.

18 THE HEARING OFFICER: You have to elicit
19 facts.

20 MS. LYNCH: (Indistinct in background.)

21 MR. BROWN: So what I said is false, when I
22 said Allegation 1 is false --

23 MS. LYNCH: (Indistinct in background.)

24 MR. BROWN: So I'm sorry. Forgive me. What I
25 was trying to say, sir, so is Allegation 1 -- this is

1 going to Anica.

2 BY MR. BROWN:

3 Q. Allegation 1, is it false because, by your own
4 admission, Richard Louis Brown held some meetings? Is
5 that correct?

6 A. Restate your question.

7 Q. I'm sorry. So I'll go back.

8 So Allegation 1 is false because, by your own
9 admission just now, Richard Louis Brown held some
10 meetings; is that correct?

11 THE HEARING OFFICER: Mr. Brown, I think the
12 confusion is that you are posing the question as
13 complex.

14 MR. BROWN: I'm sorry.

15 THE HEARING OFFICER: You said -- initially,
16 the witness said yes to your question that you called
17 some meetings. And then you asked -- then you read the
18 allegation, and it's appropriate for you then to ask
19 "Isn't your statement then false?" That's -- leave it
20 as a single question, not as a complex question.

21 MR. BROWN: Yes, sir.

22 BY MR. BROWN:

23 Q. So is Allegation 1 false, Anica?

24 A. No. I stated that you called some meetings.
25 But per our policy file, you did not call all the

1 meetings as requested by the board. So you did call
2 some, but you still unwillfully [sic] didn't allow for
3 some board meetings to take place as requested by the
4 board of directors.

5 Q. So when I go back to Allegation 1, you said
6 "Richard Louis Brown willfully failed to hold meetings."
7 And then I asked you, "Is that correct?" And you said,
8 "Yes."

9 So when I did hold the meetings, now you're
10 saying because I didn't hold a special type of meeting?
11 Or what exactly are you saying?

12 A. Board meetings can be called in a couple
13 different ways. They should always be called by the
14 president, but the board can ask you to call meetings if
15 by the majority. They did that. You did not call those
16 meetings --

17 Q. I'll get to that.

18 THE HEARING OFFICER: Let her finish. Let her
19 finish. You asked her the question.

20 THE WITNESS: You did not call those meetings
21 when requested. And so, therefore, my Number 1 is
22 speaking to the meetings that you did not call that you
23 should have called.

24 BY MR. BROWN:

25 Q. So with that being in mind, do you have

1 factual evidence that meetings I was supposed to call I
2 did not call? Do you have factual evidence of that?

3 A. I believe I --

4 Q. In your HR1 allegations that you submitted --

5 THE HEARING OFFICER: Mr. Brown, if you ask a
6 question, you have to allow an answer.

7 MR. BROWN: I'm sorry, sir.

8 THE WITNESS: Yes, I would be able to locate
9 evidence.

10 BY MR. BROWN:

11 Q. So let me clarify this question. You're going
12 to be able to provide factual evidence that the majority
13 of the board submitted to me that required me to hold a
14 board meeting?

15 A. I was cc'd on emails that I could provide.
16 Yes.

17 Q. That showed that the majority of the board
18 wanted to have a board meeting? Because -- I'm sorry.

19 A. I would have to recount and look at those
20 emails. But, yes, if I'm guesstimating, yes, the
21 majority of the board wanted you to call a meeting and
22 you did not want to call it on multiple occasions. Yes.

23 Q. All right. So I'm going to ask some more
24 questions, and we'll go back to your allegation that I
25 did not willfully call meetings. All right.

1 You stated that this is your fourth year as VP
2 of organizing/representation; is that correct?

3 A. Yes.

4 Q. Did you attend any meetings -- any board
5 meetings during your first term?

6 A. Yes.

7 Q. And how many meetings did you attend, do you
8 estimate?

9 A. I don't think I missed one.

10 Q. So how many is that?

11 A. I believe we normally hold about three to four
12 a year. So if I'm having to guess, three, six, nine,
13 approximately, prior to this -- being sworn in for this
14 term.

15 Q. Okay. So in your first term, who was the
16 president at that time?

17 A. Yvonne Walker.

18 Q. All right. And how many meetings are required
19 by the policy file?

20 A. I believe it's one a quarter.

21 Q. You believe it's only one per quarter?

22 A. Yes. Three to four -- it's three to four a
23 year. We typically do it on a quarterly basis. I don't
24 have the policy file in front of me; so I'm not -- you
25 know, I could look it up.

1 Q. Oh, that's okay. I have the policy file right
2 here.

3 MS. LYNCH: (Indistinct in background.)

4 THE HEARING OFFICER: Point us and the witness
5 to whatever document you're going to be referring to.

6 MR. BROWN: Oh, I'm sorry. So I have the
7 policy file.

8 MS. LYNCH: (Indistinct in background.)

9 THE HEARING OFFICER: Ms. Lynch --

10 MR. BROWN: It's in one of the exhibits that
11 was submitted by when I had attorney Rodney Diggs, the
12 policy file.

13 THE HEARING OFFICER: Give us the page and the
14 provision that you're referring the witness to.

15 MR. BROWN: Sure.

16 THE HEARING OFFICER: Does the witness have a
17 copy of the policy file?

18 THE WITNESS: I was just going to ask, can I
19 open my computer to bring it up?

20 MR. BROWN: Sure.

21 THE HEARING OFFICER: Which version are we
22 talking about, Mr. Brown?

23 MR. BROWN: December 2019 -- or July 2020.

24 And it's stated, actually, in her Allegation
25 Number 2 --

1 THE HEARING OFFICER: Mr. Brown, I need
2 clarification. Which policy file?

3 MR. BROWN: I'm looking at December 2019.

4 THE HEARING OFFICER: 2019.

5 THE WITNESS: Where in the policy file are you
6 looking at?

7 MR. BROWN: The provision in December 2019.
8 Hold on one second here. And it's 3.0 -- I'm sorry.
9 3.2 --

10 THE WITNESS. -- -.00.

11 Oh, okay. "Shall meet at least four times per
12 year to discuss the routine business."

13 So then it would be four times per year at
14 that --

15 THE HEARING OFFICER: Ms. Walls, hold on.
16 Hold on. Wait for the question, please.

17 BY MR. BROWN:

18 Q. So on Division 3, page 6, "The Local 1000
19 board of directors shall meet at least three times per
20 year."

21 THE HEARING OFFICER: Direct the witness to
22 the provision, please.

23 MR. BROWN: Yeah. So it's Division 3.2.00,
24 "Meetings," under A.

25 THE WITNESS: A, as in "apple"; correct?

1 MR. BROWN: Yes, ma'am.

2 THE WITNESS: Yeah. Okay. So the one that
3 I'm looking at I believe has been changed. Because now
4 A reads "The Local 1000 board of directors shall meet at
5 least four times per year."

6 MR. BROWN: Yeah, that's not the one I'm
7 using.

8 THE HEARING OFFICER: Ms. Walls, refer to the
9 document, if you have it, that Mr. Brown is using.

10 THE WITNESS: I don't.

11 THE HEARING OFFICER: All right. Mr. Brown --
12 BY MR. BROWN:

13 Q. We'll have to go off what I'm reading,
14 Division 3, page 6.

15 A. That's what I'm looking at.

16 THE HEARING OFFICER: Mr. Brown, can you put
17 it up on share screen?

18 MR. BROWN: I can try. Hold on one second.

19 THE HEARING OFFICER: So the witness can see
20 it.

21 MR. BROWN: Let me mute myself so you don't
22 hear me talking to myself. So hold on one second.

23 THE HEARING OFFICER: While they're working on
24 this, let me see if I can clarify.

25 Ms. Walls, you do not have a copy of the 2019

1 version of the policy file; is that correct?

2 THE WITNESS: That's correct. I have the
3 newest policy file, which is on the Web pulled up. When
4 I look at that, it's revision March of 2022. So they
5 have already fixed the other one.

6 THE HEARING OFFICER: You can close that.
7 That's not the version that Mr. Brown is referring to.

8 Mr. Andonian, do you have that and could you
9 put it up?

10 MR. ANDONIAN: I was just going to ask. If
11 Mr. Brown could direct me to which one of his exhibits
12 this is in -- I think I heard him say Mr. Diggs
13 submitted it -- I can certainly do that.

14 Looks like we've got it.

15 THE HEARING OFFICER: Okay. Ms. Walls, can
16 you see this document?

17 THE WITNESS: Yes, I can.

18 THE HEARING OFFICER: Let the record reflect
19 that the document that the witness is viewing is the
20 2019 --

21 Ms. Lynch, Mr. Brown, please mute for a
22 moment.

23 Let the record reflect that the witness is
24 viewing Local 1000 policy file, 2019 version. The
25 provision is 3.2.00 A.

1 Proceed, Mr. Brown.

2 MR. ANDONIAN: Mr. La Rue, I'm sorry. May I
3 just ask, for the record, which exhibit this is in just
4 so we know where it's coming from?

5 THE HEARING OFFICER: I think Mr. Brown is
6 presenting it. I don't know that it has been offered as
7 an exhibit.

8 MR. ANDONIAN: Oh, okay.

9 THE HEARING OFFICER: Mr. Brown -- Mr. Brown,
10 this version is the one that precedes the version that's
11 on the website now; is that correct?

12 MR. BROWN: Yes.

13 THE HEARING OFFICER: Mr. Andonian, do you
14 have any objections to this document coming into the
15 record?

16 MR. ANDONIAN: I don't in theory. I just want
17 to make -- if there is any way that I can just verify
18 that this is, in fact, that version.

19 MS. LYNCH: (Indistinct in background.)

20 THE HEARING OFFICER: Ms. Lynch, please, I
21 can't hear him.

22 MS. LYNCH: I apologize.

23 THE HEARING OFFICER: Go ahead, Mr. Andonian.

24 MR. ANDONIAN: I think if you just scroll down
25 a little bit at the bottom, the footer of the page, it

1 should have the version -- yeah.

2 THE HEARING OFFICER: Slowly. Slowly. Just
3 so we can see the footer. There we go.

4 MR. ANDONIAN: Okay. I see it. That's fine.
5 No objection.

6 THE HEARING OFFICER: Let the record reflect
7 that "Local 1000 policy file, revision/December 2019" is
8 received in the record as Brown Exhibit N, as in
9 "Nancy." Received without objection.

10 (Charged Party Brown Exhibit N was
11 admitted into evidence.)

12 THE HEARING OFFICER: Go ahead, Mr. Brown.

13 BY MR. BROWN:

14 Q. So, Anica, were there two meetings called by
15 Yvonne Walker in 2021? Is that correct? Two meetings
16 were called by Yvonne Walker in 2021; is that correct?

17 A. I'm not positive, to be honest with you. I
18 would think we had three if it says that we're supposed
19 to have three.

20 Q. And this brings up -- I'm sorry. I didn't
21 mean to cut you off.

22 A. No, I'm just saying, I would guess -- I would
23 think that we had three and not two, but I don't
24 remember. With it being a COVID year, I would have to
25 look back into my notes when we had meetings. But I was

1 at every meeting, I believe. I don't think I missed
2 one.

3 Q. So do you remember going to the meeting in
4 March of 2021 that Yvonne Walker called, the board
5 meeting?

6 A. You would have to give me some more -- give me
7 some more insight as to what we possibly discussed for
8 me to jog my memory.

9 Q. Yeah, the email blast went out. You know, I
10 could try to go through my emails and pull up that email
11 and show it. Because I actually asked to go. There was
12 different agendas that happened at that meeting.

13 Then, of course, on June 26th and 27th, do you
14 remember going to that board meeting, 2021?

15 A. Again, I went to almost every board meeting.
16 I think I went to every board meeting in my first term.

17 Q. Right. So in 2021, Yvonne Walker called for a
18 board meeting in March. And then the board meeting for
19 June 26th and 27th, you said you went there as well,
20 because that's actually when we got sworn in, at that
21 board meeting.

22 A. Okay.

23 Q. Okay. In the policy file here, it says here
24 "Shall meet at least three times per year to discuss
25 routine business."

1 Do you see that on the screen?

2 A. I do.

3 Q. Do you remember going to the board meeting on
4 December 19th, 2021?

5 A. Yes. Yeah. Now that -- yeah.

6 Q. Okay. In that case, because we haven't gotten
7 to the meat of the argument about these board meetings,
8 three meetings did happen for Local 1000 that was called
9 by the Local 1000 president for 2021?

10 A. Okay.

11 Q. Is that correct?

12 A. I believe so.

13 Q. Okay. So three board meetings were called.
14 So in Allegation 1, we've debunked that. All right.

15 A. You weren't the president at the time, though;
16 right?

17 MR. ANDONIAN: Mr. La Rue, I'll object to the
18 argumentative.

19 THE HEARING OFFICER: Mr. Brown, statements
20 like you just made you'll be able to make in your
21 post-hearing brief. They're not appropriate on
22 examination.

23 MR. BROWN: Okay.

24 BY MR. BROWN:

25 Q. All right. So here's my next question. Were

1 you able to attend the July 6th, 2021, board meeting
2 that was called by myself?

3 A. July 6th, 2021?

4 Q. Yes. And I'll stop talking.

5 A. I don't think I missed any of the meetings you
6 called either, or failed to call. I was in most of
7 those conversations. So if it happened, then I was
8 there.

9 Q. All right. So at that meeting, at the
10 July 6th, 2021, meeting, did you stay for the entire
11 meeting?

12 A. I don't remember. I don't typically leave
13 meetings early; so I would think so. But I don't
14 remember.

15 Q. All right. So my next question is do you
16 remember there were board members at that meeting trying
17 to convince you to leave early from the board meeting so
18 I wouldn't have a quorum? Do you remember that part?

19 A. No. I don't play those games.

20 THE HEARING OFFICER: Ms. Walls, please answer
21 the question directly. Do you recall it or not?

22 THE WITNESS: I don't recall, no.

23 BY MR. BROWN:

24 Q. All right. But you do recall going to the
25 July 6th, 2021, meeting that I called for, the board

1 meeting?

2 A. As I stated before, I don't typically miss
3 meetings. I don't think I missed -- I don't believe
4 I've missed any board of directors meetings since I've
5 been in this position. So based off of that, I would
6 have been there.

7 Do I remember specifically what happened or
8 who called it? If it was in July of 2021, then I guess
9 it would have been you because you were the new
10 president.

11 Q. So I'll ask a clarifying question. You do now
12 recall you going to the June 26th and 27th board meeting
13 called by the former president, Yvonne Walker, and then
14 you do recall the first board meeting I called for on
15 July 6th, 2021, after I took office on June 30th?

16 THE HEARING OFFICER: Mr. Brown, asked and
17 answered. The questions have been asked and answered.
18 Let's move on to your next one.

19 BY MR. BROWN:

20 Q. Do you recall going to the board meeting -- do
21 you recall going to the board meeting on December 29,
22 2021, regarding the 2022 budget?

23 A. I do remember the budget meeting.

24 Q. All right. Did you vote yes to pass the
25 budget for 2022?

1 A. I did.

2 Q. All right. So in the allegations where you
3 stated that the budget was based off these dreamed-up,
4 exaggerated membership growth, you know, that was your
5 opinion of it, but it did not prevent you from voting
6 yes.

7 So my question is you voted yes for the budget
8 for 2022 even though in your HR1 allegation you said
9 that the procedures were dreamed up. Why did you vote
10 yes?

11 A. Because we had a conversation and we had
12 discussed a program that would have helped us get to
13 those numbers. At the time you and I were -- as well as
14 David were somewhat working together. And we, myself
15 and David, had both shared our concerns of the inflated
16 numbers and thought that we shouldn't inflate them that
17 much. But, again, in the vein of working with you, we
18 trusted that what we were talking about to get to the
19 numbers would happen, and so we gave you the benefit of
20 the doubt and voted yes.

21 Q. Okay. So a follow-up question behind that.
22 Do you have any written documentation that you thought
23 my numbers were dreamed up? Did you-all send me any
24 type of email saying "We don't agree with these numbers,
25 they're dreamed up, but we're still going to vote yes"?

1 Do you have that email?

2 A. I don't believe so. We had that conversation
3 in person.

4 Q. So you believe -- I'm sorry. I didn't mean to
5 cut you off.

6 A. You didn't. We spoke about that in person.

7 Q. Okay. So you have no written documentation
8 about speaking to me in person about a conversation
9 about the dreamed-up, exaggerated numbers for membership
10 with you and David?

11 THE HEARING OFFICER: That was asked and
12 answered.

13 MR. BROWN: Okay. Okay. Okay.

14 BY MR. BROWN:

15 Q. Do you remember the executive committee
16 meeting that was held in January of 2022 that was called
17 by me regarding the two wrongful termination lawsuits?

18 A. I don't remember you calling any executive
19 board meeting. I remember me and David always making
20 you meet with us in your office.

21 Q. All right. So let me restate this question.

22 Do you remember an executive meeting called by
23 myself regarding the two wrongful termination lawsuits
24 where you, David, Irene Green, Donna Snodgrass, and Anne
25 Giese were all participants? Do you remember that

1 meeting in January of 2022?

2 A. Vaguely. And I'm not sure Irene was a part of
3 it.

4 Q. Okay. All right. So we're going to go on to
5 the next question here.

6 How many executive committee meetings did you
7 attend with the former president Yvonne Walker?

8 A. None.

9 Q. So let me ask a follow-up question. Did she
10 ever have executive committee meetings with the three
11 new vice presidents -- yourself, Kevin Menager, and Tony
12 Owens -- after you won your first election in 2018?

13 A. I don't believe so. Actually, there was one.
14 One. Not called by her. It was in my office. So we
15 had one.

16 Q. Wait, wait, wait. Let me -- I have to ask a
17 follow-up question.

18 A. Okay.

19 Q. You're saying that there was one
20 question [sic]. Did she call for that? Because by the
21 policy file, only the president can call for executive
22 committee meetings. Did she call for that one meeting
23 that was held in your office?

24 A. She came and sat in my office. That was the
25 only time we spoke, all of us together.

1 Q. So she did not call that meeting?

2 A. I wouldn't say so.

3 Q. So for three years under the former president
4 Yvonne Walker, she never ever attempted -- well, I don't
5 want to say attempted -- she never had an executive
6 committee meeting with the new three vice presidents
7 called by her?

8 A. No. But I don't see how that's relevant to
9 this.

10 THE HEARING OFFICER: Ms. Walls, simply answer
11 the question, please.

12 THE WITNESS: No.

13 BY MR. BROWN:

14 Q. We'll come back to that and I'll show you the
15 relevance, Anica. We'll come back.

16 THE HEARING OFFICER: Mr. Brown, do you need
17 this document up?

18 MR. BROWN: No, sir.

19 THE HEARING OFFICER: Please take it down.

20 MR. BROWN: Okay.

21 THE HEARING OFFICER: Bring any document up
22 that you need. But when you're finished with it, it's
23 helpful if we can all -- it takes up a good deal of the
24 screen. And so it would be better if it's not up. But
25 if you need it, it stays up.

1 MR. BROWN: Yes, sir. And we may have to
2 refer back to it later on.

3 BY MR. BROWN:

4 Q. Okay. My next question, Anica, did you attend
5 the illegal board meeting October 16th and 17th that was
6 held at the Sacramento Democratic headquarters?

7 MR. ANDONIAN: Objection as to the
8 characterization of "illegal." Argumentative. And
9 assumes facts not in evidence.

10 THE HEARING OFFICER: Mr. Brown?

11 MR. BROWN: The reason why I brought that up
12 is it ties into the Bill Hall --

13 THE HEARING OFFICER: No, it's just your
14 characterization of it.

15 MR. BROWN: Oh, okay.

16 THE HEARING OFFICER: You can ask about the
17 meeting.

18 MR. BROWN: Well, sir, by the policy file, we
19 can go to the policy file here --

20 THE HEARING OFFICER: That's argument. That's
21 argument.

22 MR. BROWN: But that's by the policy file,
23 sir.

24 THE HEARING OFFICER: That's argument, still.
25 And you can make that argument once the case is in and

1 you're making your argument on your behalf. You can ask
2 about this meeting as well. Simply don't characterize
3 it as illegal. There is no evidence of that thus far in
4 this record.

5 MR. BROWN: All right. So let me rephrase the
6 question.

7 BY MR. BROWN:

8 Q. Anica, did you attend a board meeting
9 October 16th and 17th at the Sacramento Democratic
10 headquarters that I did not, as the Local 1000
11 president, call for?

12 A. No.

13 Q. Okay. And can I ask you why you would not
14 attend a board meeting that I didn't call for?

15 A. Because I didn't agree with the changes that I
16 knew were going to be spoken about.

17 Q. So a follow-up question is I heard you -- if I
18 remember, I heard you earlier say that you attend all
19 board meetings that are called by a Local 1000
20 president.

21 Did I hear you correctly on that?

22 A. Yeah.

23 Q. Okay. And so a follow-up question is you said
24 you didn't agree with the changes. So even though a
25 board meeting was called but it wasn't called by the

1 Local 1000 president, myself, you didn't agree with the
2 changes; so because you didn't agree with the changes,
3 you decided to not go?

4 A. You didn't call the October meeting.

5 Q. Correct. You're right.

6 A. So it wasn't called by the Local 1000
7 president. So it wasn't -- you know, I didn't agree
8 with what was being spoken about, and it wasn't called
9 by the president. Therefore, I chose not to go. And I
10 believe I was actually busy that weekend.

11 Q. Well, initially, you first said that you
12 didn't go to the board meeting because you didn't agree
13 with the changes.

14 So what changes was happening at that meeting
15 that you said, "Well, I'm not going to go. I don't
16 agree with the changes"? Now you say, "Oh, in addition,
17 the Local 1000 president," myself, "didn't call for it;
18 so I'm not going to go either"? So what were the
19 changes?

20 THE HEARING OFFICER: No, Mr. Brown, that's
21 not a fair characterization. The witness testified to
22 both.

23 MR. BROWN: I'm sorry.

24 THE HEARING OFFICER: The witness testified
25 that it wasn't called by you, the Local 1000 president,

1 and she didn't agree with the changes that were going to
2 be proposed.

3 MR. BROWN: Can we have it for the record that
4 she initially first stated she didn't agree with the
5 changes; that's why she didn't go? That's what she
6 first said.

7 THE HEARING OFFICER: The record will show
8 whatever it shows.

9 MR. BROWN: All right, sir.

10 BY MR. BROWN:

11 Q. All right. So my next question was -- was
12 going to be, Anica, did you support this October 16th
13 and 17th meeting that I didn't call for? But I think
14 you kind of already answered that question.

15 A. So...

16 THE HEARING OFFICER: Asked and answered. She
17 said she didn't support it, you didn't call it, she
18 didn't go.

19 MR. BROWN: So am I allowed to ask, since she
20 didn't go to the meeting, what changes in particular
21 kept her from going to that meeting? To show relevance
22 because of -- I'm sorry. Am I allowed to ask that
23 question?

24 THE HEARING OFFICER: Pose the question. And
25 if there is an objection, it will be made. If not, the

1 witness will answer the question.

2 BY MR. BROWN:

3 Q. All right. So, Anica, what changes were
4 proposed at that meeting that I didn't call for
5 October 16th and 17th at the Democratic headquarters in
6 Sacramento that you didn't agree with?

7 MR. ANDONIAN: I will object on the grounds
8 that it's just simply not relevant. It's been
9 established he didn't call for the meeting and she said
10 she didn't go.

11 THE HEARING OFFICER: Ms. Lynch, please use
12 pencil and paper. You're interfering with my being able
13 to hear people.

14 MS. LYNCH: I apologize, sir.

15 THE HEARING OFFICER: Mr. Brown, do you want
16 to speak to Mr. Andonian's objection?

17 MR. BROWN: I couldn't hear it. So could
18 Mr. Andonian please repeat his objection again.

19 MR. ANDONIAN: Sure. I objected on the
20 grounds that it's not relevant. She's already
21 acknowledged she didn't go. And it has been established
22 that Mr. Brown didn't call it. So it doesn't appear to
23 be a meeting that would fit within the framework of what
24 we're talking about here.

25 THE HEARING OFFICER: Mr. Brown, your

1 response.

2 MR. BROWN: It's relevant because it goes to
3 those exhibits that Mr. Andonian submitted with all of
4 those lawsuits that Bill Hall submitted to Sacramento
5 Superior Court in downtown Sacramento. So his whole
6 lawsuit is based on the fact that I would not recognize
7 the October 16th and 17th board meeting. So I don't
8 understand how this is not relevant.

9 THE HEARING OFFICER: It's not relevant
10 because that's not what's before me, whatever --

11 MR. BROWN: But -- but -- how is the
12 exhibits --

13 THE HEARING OFFICER: Mr. Brown, you're doing
14 it again.

15 MR. BROWN: Okay. Okay, sir.

16 THE HEARING OFFICER: You'll get a chance to
17 respond.

18 MR. BROWN: I'm just trying -- okay.

19 THE HEARING OFFICER: Just let me finish
20 responding.

21 MR. BROWN: Yes, sir.

22 THE HEARING OFFICER: It is not relevant to
23 this proceeding based upon the fact that you didn't call
24 it as the president and she had already said she didn't
25 agree with what was going -- what was being proposed.

1 Therefore, there is nothing relevant to my -- to my
2 determination in this question and the subsequent
3 answer.

4 Now you may respond.

5 MR. BROWN: Thank you, sir.

6 In her response that she didn't agree with the
7 changes, in her opinion, at the board meeting that I
8 didn't call for on October 16th and 17th, the reason why
9 I'm so adamant that it is relevant is because I'm being
10 sued, as the Local 1000 president, along with Local 1000
11 and SEIU International off of Bill Hall, a board member,
12 from him having this meeting on October 16th and 17th
13 that wasn't called by me. And so I'm being sued by him,
14 Mr. Hall, in the Sacramento Superior Court. And so
15 those lawsuits and all of the paperwork they have filed
16 is trying to show that, quote, "my behavior is a
17 detriment" and that I should not be, quote, "a part of
18 Local 1000."

19 So it is quite relevant to me trying to
20 exonerate myself because it goes to the issue at hand
21 for the reason why the meetings were not being called to
22 begin with. And that's why --

23 I'm sorry. Go ahead, Phil. Go ahead.

24 MR. ANDONIAN: Sorry. I didn't mean to cut
25 you off.

1 THE HEARING OFFICER: Are you finished,
2 Mr. Brown?

3 MR. BROWN: Yes, sir. I'll let Mr. Andonian
4 go. And then I'll finish.

5 THE HEARING OFFICER: Mr. Andonian.

6 MR. ANDONIAN: The only point I wanted to make
7 is there is information in the exhibits that have been
8 received into evidence that are well beyond the narrow
9 issue of this meeting. And beyond that, Mr. La Rue, as
10 you've noted, all of this evidence is going to get the
11 weight you decide it's entitled to. Obviously, if we're
12 attempting to make arguments about something that has
13 nothing to do with the proceedings, we're going to do
14 that at our own peril.

15 I maintain the objection that this issue is
16 not relevant to what's in front of the hearing officer.

17 THE HEARING OFFICER: Mr. Brown, your final
18 response and then I'm going to rule.

19 MR. BROWN: Thank you.

20 My final response is when Mr. Andonian
21 submitted all of his exhibits -- and many of those
22 exhibits are the lawsuit and all the information that
23 I'm being sued by Local 1000 and for that meeting on
24 October 16th and 17th, 2021 -- I mean, 20- -- yeah,
25 2021, that I didn't call for at the Sacramento

1 Democratic headquarters, it's vital to this. Because
2 it's so vital that Anica stated, her initial reaction
3 was "I am not going to this meeting. I don't agree with
4 these changes that they're trying to do to the Union."

5 So all of her allegations as a summary of,
6 quote, "my behavior, my conduct, how I treat staff, how
7 I talk to people" and "I'm not trying to work with
8 people," and that is absolutely not true. And so one of
9 the major reasons they've used against me is -- the
10 reason they're trying to portray me as this is that,
11 quote, "I wouldn't call this meeting." So her reasons
12 for not going to this meeting is relevant because it
13 kind of underscores or validates what she's saying in
14 her opinion. But her opinions are not facts.

15 So that's why I'm adamant. And that's why I
16 know -- okay. I'm sorry. I'll stop talking.

17 THE HEARING OFFICER: Is that it, Mr. Brown?

18 MR. BROWN: And that's another reason why I
19 couldn't call certain -- I couldn't call certain
20 witnesses.

21 THE HEARING OFFICER: The ruling is --

22 MR. BROWN: I couldn't call certain meetings.

23 THE HEARING OFFICER: The objection is
24 sustained. Let's move on to the next question, please.

25 ///

1 BY MR. BROWN:

2 Q. You admitted earlier in your testimony today
3 that you had been locked out of Local 1000 by the former
4 president Yvonne Walker; is that correct?

5 A. Yes, for a short period of time. Physically.

6 Q. No, let me clarify that. In your earlier
7 testimony you didn't say "for a short period of time."
8 You just said you'd been locked out by the former
9 president.

10 A. I did. No, I did.

11 Q. Okay. Okay. And when she locked you out for
12 that short period of time, what was her reason behind
13 that?

14 MR. ANDONIAN: Objection. Relevance.

15 THE HEARING OFFICER: I'm going to allow it.

16 You may answer the question, Ms. Walls.

17 THE WITNESS: Her reasoning behind not letting
18 us into the building at that point, I don't remember, to
19 be honest with you.

20 MR. BROWN: Okay. That's fair.

21 THE WITNESS: It was about a two-week period,
22 though.

23 BY MR. BROWN:

24 Q. Let me ask you this question before I go to my
25 next question. Do you remember an article written by

1 Sac Bee on July 19th, 2021, where the three VPs,
2 including yourself, were saying that the former
3 president wasn't allowing you to do your job? Do you
4 remember that article?

5 A. Mm-hmm.

6 Q. Okay. And do you remember an article she said
7 that what you think is your job versus what is your job
8 is two different matters? Do you remember her saying
9 that?

10 A. I do.

11 Q. Okay. And do you remember -- all right.
12 We'll come back to that. We'll come back to that.
13 Because, you know, these allegations really comes down
14 to what do you think my job is versus --

15 THE HEARING OFFICER: Mr. Brown, your next
16 question, please.

17 BY MR. BROWN:

18 Q. Okay. Did I -- did I ever prevent you from
19 entering my office?

20 A. A couple times.

21 Q. All right. So if I prevented you -- so my
22 next question is, if I prevented you from entering my
23 office, was I already in a meeting? Because my door was
24 always open.

25 A. Yes. There was something was going on or you

1 were on your way somewhere, yeah.

2 Q. So I may have had a reasonable explanation to
3 not let you enter my office. But other than that, I
4 always allowed you to enter my office whenever you
5 wanted to and talk to me?

6 A. Except for the two weeks leading up to the
7 suspension. I was trying to meet with you anywhere. I
8 believe I had offered to meet you off-site, on-site, at
9 your house, I believe close to my house. I had given
10 you -- I believe there was about two weeks where you
11 were absolutely not really -- you were taking calls for
12 maybe a minute, "Hi, I'm busy. Got to go. Call you
13 back," but you definitely were not -- you were not
14 letting us into the office, and you were not making
15 yourself available to myself at all for those two weeks.

16 Q. Do you have any emails you can present as
17 facts that I was trying to avoid you and I didn't want
18 to talk to you for two weeks versus the whole other rest
19 of the month where I was working with you and you came
20 in the office and talked to me and called me whenever
21 you wanted? Do you have an email stating that?

22 A. I probably could -- I probably have both
23 emails and text messages of me trying to get in touch
24 with you and you brushing me off, yes.

25 Q. Did I ever give you a reason why I couldn't

1 meet with you?

2 A. No, not a good one.

3 Q. In your opinion not a good one?

4 A. That's correct.

5 Q. All right. Did the former president, Yvonne
6 Walker, did she ever meet with you or have an open-door
7 policy for you or the other two VPs to come into her
8 office and talk to her?

9 A. With me, yes, but the same type of thing,
10 right. She was always -- she was busy herself. So
11 could I go into her office? I could attempt to. But
12 most of the time it was "I'm busy" or "I'm on my way to
13 a meeting." So there was few and far between that we
14 actually got to sit and have a meaningful conversation.

15 Q. So did she ever have an open-door policy with
16 you?

17 A. I think she would say yes, but I would argue
18 that it wasn't as opened as she would say.

19 Q. All right. And then what was the reasons that
20 was given, myself or the former president? Or did our
21 reasons mirror each other about why we couldn't talk to
22 you whenever you went to come into our office?

23 MR. ANDONIAN: Mr. La Rue, I just want to
24 object. I understand there is some latitude here, but
25 the referencing back to a former administration that is

1 not part of these proceedings is --

2 THE HEARING OFFICER: Mr. Brown.

3 MR. BROWN: So what I'm attempting to do and I
4 think Mr. Andonian -- let me take that and rephrase
5 that.

6 What I'm attempting to do is show you a
7 pattern that the former Local 1000 president, for all of
8 her years in office, she conducted herself in a certain
9 manner and then I followed behind her and my conduct,
10 similar to hers on certain issues, was the same as the
11 president of Local 1000 on the day-to-day operations for
12 this union. And so I will get further along in the
13 questions about what the three former VPs, including
14 Anica Walls, attempted to do with the former president,
15 which is the same thing they're attempting to do now.

16 THE HEARING OFFICER: Mr. Andonian.

17 MR. ANDONIAN: Mr. La Rue, I mean, I guess, at
18 best, it's showing the former president might have been
19 acting just as inappropriately as Mr. Brown is. But it
20 remains the fact that it's neither here nor there for
21 the charges against Mr. Brown as stated in Ms. Walls's
22 charging documents. If we're going to go down this
23 avenue every single line of questioning, we're going to
24 be here for weeks.

25 MR. BROWN: But what I'm --

1 THE HEARING OFFICER: Let him finish,
2 Mr. Brown.

3 MR. ANDONIAN: So, again, it's irrelevant. I
4 mean, it is materially irrelevant in that he is simply
5 probing the conduct of another individual for the sake
6 of making a comparison that, to be honest with you,
7 doesn't appear to be helping his case. But,
8 nevertheless, it's a comparison that doesn't do anything
9 to shed light on the specific allegations that Ms. Walls
10 has made against him here.

11 THE HEARING OFFICER: Mr. Brown.

12 MR. BROWN: And what I find relevant is I'm
13 showing you that the three VPs -- the former three VPs
14 and two of them now under the same banner they ran on
15 still don't know their jobs and their roles. And so the
16 former president tried to inform people that they did
17 not know what their roles were. And by the policy file
18 that clearly, factually, not by opinion but by facts,
19 tells you what the specific duties for the three VPs are
20 versus the enormous amount of duties and latitude that
21 the Local 1000 president has, that's what I'm showing
22 and that's the relevancy.

23 THE HEARING OFFICER: I'm going to sustain the
24 objection, Mr. Brown. I've allowed you to question the
25 witness quite liberally with regard to the former

1 president. But the issue before me is not what the
2 behavior of the former president was. It's the behavior
3 of you based upon the policy file. Therefore, I'm going
4 to sustain the objection. You may ask the witness about
5 how the witness and the VPs acted vis-a-vis you and your
6 office but not about the former president.

7 Proceed to your next question, please.

8 MR. BROWN: All right. Thank you.

9 BY MR. BROWN:

10 Q. Anica, referring to the situation in February
11 when the DLC presidents were notified that, when the
12 reps come into their area, they're going to be notified
13 of that, and so you said that caused a great deal of
14 confusion and people could have been hurt, but there was
15 no harm shown.

16 Do you remember the second email that quickly
17 clarified the first email that the reps had come into
18 the area and they would notify the DLC presidents? Do
19 you remember that second email going out within a day of
20 the first email?

21 A. I remember you trying to correct the actions
22 that we had brought to your attention. I remember,
23 yeah, mm-hmm.

24 Q. So I want to go back to something that's very
25 relevant about these HR1 allegations that have been made

1 against me with this question.

2 You stated that you have no personal vendetta
3 against me, but yet you stated that, in this election
4 and in the former election, in 2018, you did not want me
5 to run for president. Is that true?

6 A. I thought there were people more qualified,
7 yes. That's not a personal vendetta, though. That is
8 an opinion. And we had a conversation. So there was
9 nothing -- once you made your decision, it was what it
10 was.

11 Q. Okay. You talked about in the Michael Guss
12 video clips that I spoke to him kind of harsh -- or,
13 no, I had spoken to people in Local 1000 kind of harsh.

14 Do you remember in the video clip about
15 Michael Guss where Richard Wake called me a coward and a
16 chicken? Do you remember that part of the video?

17 A. I remember many people acting in ways that I
18 did not think were appropriate.

19 Q. So was that a "yes" or a "no"?

20 A. I don't remember who said what, but I remember
21 feeling very disgusted by a lot of those conversations
22 when various people would get on to have, you know,
23 those Facebook chats with you.

24 MR. BROWN: All right. So, Mr. La Rue, am I
25 able to go to that video to show you -- concerning

1 Richard Wake calling me a coward to show you his
2 behavior so -- when I was trying to defend myself so you
3 can see the full content of the video versus just a clip
4 that Michael Guss sent you? Am I able to do that right
5 now, or should I --

6 THE HEARING OFFICER: Have you already entered
7 that into the record?

8 MR. BROWN: Yes.

9 THE HEARING OFFICER: Please indicate the
10 exhibit.

11 MR. BROWN: I can't indicate the exhibit
12 because the video has already been entered. I'm going
13 to show you the beginning minutes of that clip. He
14 already entered --

15 THE HEARING OFFICER: Then that part is not in
16 the record.

17 MR. BROWN: Okay. Well, the reason I said
18 it's already in the record is because Michael Guss
19 entered the video. But he only showed you a small --

20 THE HEARING OFFICER: And you had an
21 opportunity to supplement that at that time. The
22 witness has not denied that there were exchanges during
23 the video and that there was impropriety on the part of
24 many people during the video. Requests to show the
25 video or to enter that video at this time is denied.

1 You may continue to question the witness about
2 the video and about other people's behavior.

3 MR. BROWN: Okay. Yeah, I'm reading to
4 myself.

5 BY MR. BROWN:

6 Q. Anica, in that video that Michael Guss
7 submitted where it appeared that I was being, quote,
8 "mean" to Richard Wake, you clearly don't remember
9 Richard Wake calling me a chicken or a coward? That's
10 what you're clearly stating to us?

11 A. Yes. Specifically, I don't remember who said
12 what.

13 Q. So let me go to another situation. Do you
14 remember the Teresa text -- Teresa Taylor text messages
15 where I was told to suck a dick by her and her daughter
16 told me to eat a dick? Do you remember that clearly?

17 A. I do remember those pretty clearly.

18 Q. Okay. When she said that, did you file an HR1
19 against her for her behavior, "yes" or "no"?

20 A. No.

21 Q. Okay. Okay. And -- oh, wait. Let me verify
22 this. Teresa Taylor, DLC 786 president, she sits on the
23 board of directors, if I'm correct?

24 A. That's correct.

25 Q. And let me ask you this question. The

1 October 16th and 17th meeting, did Teresa Taylor play an
2 integral role in that meeting that was not called by me?

3 A. I believe she was --

4 MR. ANDONIAN: Objection. Vague as to
5 "integral" or...

6 THE HEARING OFFICER: I'm sorry, Mr. Andonian?

7 MR. ANDONIAN: I didn't want to
8 mischaracterize the specific word. It sounded -- I
9 heard "integral." I would just object to that as being
10 vague.

11 THE HEARING OFFICER: Yes, let's rephrase the
12 question. There was an interaction.

13 MR. BROWN: Sure. I'm sorry.

14 BY MR. BROWN:

15 Q. So Teresa Taylor, who made the comment about
16 me to suck dick, that her role in the October 16th and
17 17th, 2021, board meeting that I did not call for, that
18 she played a very important role because she, as is
19 stated in the transcripts from the meeting --

20 THE HEARING OFFICER: Mr. Brown --

21 MR. BROWN: I'm sorry.

22 THE HEARING OFFICER: -- get to the question.
23 You're characterizing.

24 BY MR. BROWN:

25 Q. Did she play an important role in the

1 October 16th and 17th board meeting?

2 A. I believe she was present. I wasn't there. I
3 don't know what role she played. But I do know she was
4 present.

5 Q. So a follow-up question is do you remember
6 Local 1000 putting on the website the transcripts from
7 that October 16th and 17th board meeting? Do you
8 remember that?

9 A. I do. But to be honest with you, I didn't
10 read through every line of it. We had a lot going on.

11 Q. All right. Hold on one moment here.

12 One quick follow-up to the October 16th and
13 17th meeting. Anica, did you know that that meeting was
14 out of order? Or was there still a question about that?

15 A. So you, as the president, hadn't called that
16 meeting; right? So if that's what you're calling out of
17 order --

18 Is that what you're doing?

19 Q. Yes.

20 A. Then the answer to that would be yes.

21 Q. So the reason for that meeting was against the
22 policy file.

23 Do you agree to that?

24 MR. ANDONIAN: Objection. That's asking the
25 witness for -- (overlapping voices).

1 THE HEARING OFFICER: That's a legal
2 conclusion. That's a conclusion that I would draw.

3 MR. BROWN: Okay. So let me ask this
4 question.

5 BY MR. BROWN:

6 Q. The person who called for that meeting, Anica,
7 William Hall, DLC 744 president, William "Billy" Hall,
8 was he written up or given an HR1 for calling that
9 meeting?

10 A. I don't believe so. The HR1s do not come to
11 me; so I'm not positive. I didn't file one.

12 Q. All right. So you didn't file one against him
13 for doing that.

14 After that meeting, was there a great deal of
15 confusion, and did it discredit Local 1000 with that
16 meeting, regarding who was the leader of Local 1000?

17 A. There was confusion amongst leaders, yes.

18 Q. And so when I say that confusion among
19 leaders, did it substantially harm the image of
20 Local 1000 when the voters had voted for a president but
21 yet there was conflict on who was actually running the
22 Union? Did that cause great harm, that October 16th and
23 17th meeting?

24 A. I would argue no because it was really
25 internal at that point. It hadn't gone so public. And

1 so on first -- I would have to say no, I don't think
2 initially when that meeting -- right after that meeting
3 happened, I don't think enough people really knew what
4 the implications of that meeting were. And so there was
5 confusion, but I don't think it had caused harm to
6 Local 1000. We were still functioning. Business was
7 still being done.

8 Q. So my follow-up question is, even though you
9 don't think it caused initial harm after they held the
10 meeting, do you think that when Sac Bee reported it and
11 it raised the question of who was in charge of
12 Local 1000, that that did not cause great harm after
13 that, when it was reported in the paper?

14 A. I do think that once it got out into the media
15 and once there was fighting back and forth between
16 those -- between, you know, the higher-ups involved --
17 i.e., you know, Bill Hall's group and, you know, you and
18 some of your very strong advocates -- I think that's
19 when the harm to the Union really started, yes.

20 Q. So my next question is, following that
21 meeting, did you have a chance to speak to members
22 before that meeting or after that meeting about how they
23 felt about it, since you were talking about how members
24 talked to you earlier this morning about their feelings?

25 A. Yes.

1 Q. And how did they feel?

2 A. I had members who felt many different ways.

3 Q. Okay. All right. So do you have an example
4 of a person that said, "Yes," they needed to have the
5 meeting versus a person that said you didn't need to
6 have the meeting on October 16th and 17th that wasn't
7 called by the president? Can you remember two clear
8 opposing arguments that showed that people had these
9 strong opinions about the Union and how it should be
10 run?

11 A. Yes. There were -- you know, Jack Dean, one
12 of your supporters, was obviously going to listen to
13 your directive, which was "This is an illegal meeting.
14 Do not go to the meeting." And so he was respecting
15 your -- your asks, you know, what you were saying. And
16 so he didn't go to the meeting. He didn't agree with
17 it.

18 There were people, obviously, on the Bill Hall
19 side, like let's -- gosh, specifically, let's just
20 use -- let's use Bill or Teresa. Right? They obviously
21 didn't agree with what was happening, and so they
22 petitioned the board to have a meeting. And they
23 felt -- and they attended, and, obviously, this is where
24 we're at.

25 There was also members who were in the middle,

1 board members who attended the meeting, didn't agree
2 with what was happening. But, again, because it was
3 petitioned by the board and there seemed to be a
4 majority, they showed up anyway.

5 So there were many different ways that people
6 were feeling. Some were angry. Some supported you.
7 Some didn't know what to think. Some were sick and
8 couldn't attend. Some wanted meetings via Zoom, wanted
9 some things in person -- I mean, via Zoom, and you
10 wouldn't allow for that to happen. I mean, there were
11 multiple reasons as to why people did or didn't attend
12 that meeting.

13 Q. So then after you saying all this -- because
14 I'm going to get into the Jack Dean comment.

15 After you stated all this, then is it
16 reasonable to say that now, after you said all this,
17 that it did create massive confusion, at least with the
18 board of directors?

19 A. I already did say that, internally, for the
20 people that were immediately involved, that's who it did
21 cause confusion for. What I stated was it didn't cause
22 the external harm on the Union until that went public.

23 Q. All right. And so let's go back to when you
24 said a supporter of mine, Jack Dean. Because I want
25 this to be clear, because Mr. La Rue doesn't know this.

1 THE HEARING OFFICER: Is that Dean or Dee?

2 THE WITNESS: D-e-a-n, Dean.

3 THE HEARING OFFICER: Thank you.

4 BY MR. BROWN:

5 Q. Anica, as you stated -- well, let me ask this
6 question, and I'll get back to Jack Dean.

7 Anica, you have stated you've watched many of
8 my videos or not all of my videos; is that true?

9 A. I've watched a lot of them, yeah.

10 Q. 50 percent? 75 percent? 90 percent?

11 A. I try to watch them all at some point. I
12 can't say that I'm caught up right now, but -- you know,
13 sometimes it takes me a week or two to go back. But I
14 try to watch all of them.

15 Q. And to follow up behind that question, you
16 watched them all until you and the other two VPs decided
17 to suspend me? After that you stopped watching me?

18 A. No. I still watch. I need to know what
19 you're saying.

20 Q. All right. So in a lot of my videos, I stated
21 that I was elected but not one vote from the members of
22 the board. So I stated repeatedly that some of these
23 people in the board who now, quote, "want to support me"
24 never supported me from the very beginning. I said
25 there was two factions. There was the Yvonne Walker

1 faction and the MTC faction that you're part of.

2 And then --

3 MR. ANDONIAN: Mr. La Rue, I'm just going to
4 object to referencing what he said at meetings. If
5 there is evidence that he wants to present that's in the
6 record of this, that's fine. But at this point he's --

7 THE HEARING OFFICER: Yeah, this is
8 cross-examination, Mr. Brown. When you testify, you may
9 attempt to testify about this and then we'll make a
10 ruling as to whether it is appropriate testimony. But
11 it's not appropriate for you to state what you said as
12 part of cross-examination.

13 MR. BROWN: Can we take a quick ten-minute
14 break? One of my assistants has to use the restroom.

15 THE HEARING OFFICER: It's 5:45. Let's be
16 back at 6:00 o'clock. That's 3:00 o'clock California
17 time.

18 MR. BROWN: Thank you very much.

19 THE WITNESS: Mr. La Rue?

20 THE HEARING OFFICER: Yes.

21 THE WITNESS: I need to go pick up a rental
22 car. Are you okay if I am physically driving as long as
23 I am hands off? I unfortunately didn't rent from the
24 airport; so they close at 5:00.

25 THE REPORTER: I am on the record?

1 THE HEARING OFFICER: Stay on the record.
2 Stay on the record.

3 MR. BROWN: The last thing I need, Mr. La Rue,
4 is for Anica to be trying her case and have a car
5 accident. Because I know they'll blame me as being
6 responsible.

7 THE HEARING OFFICER: Mr. Brown, that's
8 enough. I don't want that to happen either.

9 MR. BROWN: Just being honest.

10 THE HEARING OFFICER: I don't care about that.

11 MR. BROWN: Okay.

12 THE HEARING OFFICER: I do care about the
13 safety of everyone here.

14 How long will it take you to pick up your
15 rental car?

16 THE WITNESS: I mean, I could head there now,
17 but I'm about 15 minutes away from there. And then once
18 I get back in the car and head back.

19 I mean, I know you guys are going to say it's
20 not safe, but I'm literally not touching my phone. I'll
21 have you in my ear and you guys can see that I'm on.

22 THE HEARING OFFICER: It's still distracting,
23 and it's California traffic.

24 I'm at a bit of dilemma. I really don't want
25 you doing it that way. If you were at the airport and

1 pulled over and testifying, that would be one thing.
2 But driving and testifying, I'm not going to permit
3 that.

4 Can you be back by 3:15?

5 THE WITNESS: I mean, I can do my best if I
6 leave now. I can do my best. Either way, Mr. La Rue,
7 right, I'm driving quick to get there. I feel like it's
8 more unsafe to have me rush over there versus me be calm
9 in the rental and then I'm just -- right? I'm not
10 trying to be difficult. I'm sorry.

11 THE HEARING OFFICER: I know, but this is my
12 hearing and I'm responsible for everybody here. So I've
13 got to be concerned about this.

14 What's your best estimate, driving safely,
15 that you can be back and prepared to testify?

16 THE WITNESS: Shoot, I could -- I could be on
17 camera pulled over hopefully by 3:30, if I leave right
18 now.

19 THE HEARING OFFICER: We'll recess until 3:30.

20 THE WITNESS: Thank you.

21 THE HEARING OFFICER: Again, Ms. Walls, you're
22 not to have any conversation about the case.

23 THE WITNESS: Of course.

24 THE HEARING OFFICER: All right. We're
25 recessed until 3:30.

1 (Break taken from 2:47 to 3:32 p.m.)

2 THE HEARING OFFICER: Mr. Brown, you may
3 proceed.

4 BY MR. BROWN:

5 Q. Okay. Anica, was there a dispute regarding my
6 suspension during March 5th through March 10th of this
7 year?

8 A. I didn't think so.

9 MR. ANDONIAN: Objection. Vague as to
10 "dispute" and what that refers to.

11 THE HEARING OFFICER: Go ahead, Mr. Brown.
12 Clarify your question.

13 BY MR. BROWN:

14 Q. So my question is was there a dispute with
15 membership regarding the March 5th -- during the
16 March 5th through March 10th time frame this year
17 regarding my leadership?

18 THE HEARING OFFICER: Ms. Walls, do you
19 understand the question?

20 THE WITNESS: I think so.

21 But why don't you rephrase it, Richard.

22 BY MR. BROWN:

23 Q. Okay. Was there any confusion regarding my
24 suspension by the three VPs during the March 5th through
25 March 10th time frame of this year with membership?

1 A. Yes.

2 Q. All right. To follow up that, did I violate
3 the California corporations code during March 5th
4 through March 10th?

5 MR. ANDONIAN: Objection.

6 THE HEARING OFFICER: This witness is not
7 competent to draw a conclusion. You're asking for a
8 legal conclusion.

9 MR. BROWN: I was asking for her personal
10 opinion.

11 THE HEARING OFFICER: No. Because she's a
12 layperson, and she cannot give a legal opinion.

13 BY MR. BROWN:

14 Q. All right. So the follow-up question behind
15 that is the October 16th and 17th meeting of 2021,
16 Anica, did I inform you that that meeting cannot be held
17 because it violated the California corporations code?

18 A. I don't remember that. I don't remember you
19 saying anything like that, no.

20 Q. Okay. Do you remember stating that I said the
21 meeting can't be held because I didn't call for it?

22 A. That was one of the reasons that I didn't
23 attend, was it wasn't called by the president.

24 Q. Okay. And do you remember me stating that, in
25 order to protect the Union and to protect our

1 membership, that that meeting could not be allowed,
2 October 16th and 17th of 2021?

3 A. I believe that is the opinion.

4 Q. Okay. So I want to make sure I verify that,
5 that I told you the reason why that meeting did not get
6 called for October 16th and 17th was a number of
7 reasons, but the big reason was my intent was to protect
8 Local 1000 and membership?

9 A. No. You did not call the meeting; people
10 should not go. That was the reason. You did not call
11 the meeting. You were asking people not to attend.

12 THE HEARING OFFICER: There is confusion
13 between the question and the answer. What Mr. Brown was
14 asking is about his reason given to you about --

15 THE WITNESS: Okay. So the answer would be
16 no. That's not what I remember his primary reasoning
17 being.

18 BY MR. BROWN:

19 Q. So to follow up that, of all the reasons about
20 that meeting should not be held, was that one of the
21 reasons, was that I was protecting the Union and
22 membership from this meeting, October 16th and 17th of
23 2021, that I did not call for?

24 A. I don't recall.

25 Q. Okay. Thank you.

1 You also stated earlier this morning that I
2 took a Local 1000 printer on March 10th. Would you like
3 to verify that answer?

4 MR. ANDONIAN: Objection. That misstates the
5 testimony.

6 MR. BROWN: All right. I'll ask it a
7 different way.

8 BY MR. BROWN:

9 Q. Did I take a Local 1000 printer on March 10th?

10 A. Yes. There -- yes, there was a Local 1000
11 printer loaded into the car that you were putting your
12 stuff in. Yes.

13 Q. So I want to make sure I understand this. You
14 saw me go inside my office on March 10th, take a
15 Local 1000 printer, and walk it down the steps into my
16 white -- into my car?

17 A. I saw a Local 1000 printer coming out of the
18 office building that looked very much like the one you
19 used to have in your office. And I saw you put it into
20 a car. Yes.

21 Q. So when you say that you saw a printer that
22 looked like it could be a Local 1000 printer, you don't
23 know? You're just assuming that it was a Local 1000
24 printer?

25 A. I saw you take a printer off of our premises.

1 Q. All right. So when you say it looked like a
2 Local 1000 printer, do you know what all the --

3 THE HEARING OFFICER: One second. One second.
4 You all were talking over one another.

5 MR. BROWN: I'm sorry. I'm sorry. I'll mute
6 myself.

7 THE HEARING OFFICER: Ms. Walls, did you
8 finish your answer?

9 THE WITNESS: I could not confirm.

10 THE HEARING OFFICER: Say again, please, for
11 the record.

12 THE WITNESS: I could not confirm whether or
13 not that was a Local 1000 printer.

14 THE HEARING OFFICER: Mr. Brown, proceed.
15 BY MR. BROWN:

16 Q. So let me ask a follow-up question. Since you
17 can't confirm that that was a Local 1000 printer, did
18 you ask IT to do an inventory of the printers at
19 Local 1000 headquarters' buildings?

20 A. I personally did not, no.

21 Q. Okay. Thank you.

22 You also stated -- you just stated that you
23 saw me put a printer into a car, but you stated earlier
24 this morning -- so I'm going to ask you again. Did
25 staff help me remove things from the building on

1 March 10th?

2 A. Staff, no. Some of your -- the people who
3 were with you, yes. I don't remember staff helping.
4 Like I remember them directing you, yeah, letting you go
5 certain places. But actually carrying stuff for you and
6 helping you put stuff in cars, that I don't remember
7 seeing at all. I remember some of the people that you
8 had in the building with you helping you get stuff into
9 your car, physically carrying things. But staff was
10 just with you, from what I remember, making sure you
11 weren't going into places you shouldn't be.

12 Q. So let me ask you this question. Is it just a
13 possibility that this morning you misstated when you
14 said staff helped me carry stuff to the car, that was
15 just a misstatement and you misspoke, the possibility of
16 that?

17 A. What I'm pretty sure I said was that staff was
18 with you. I didn't say they helped you carry things to
19 the car.

20 Q. So maybe I didn't use the exact words. This
21 morning you stated that staff either helped me or
22 assisted me in taking things from the building on
23 March 10th?

24 THE HEARING OFFICER: The witness has
25 testified that that wasn't her testimony.

1 BY MR. BROWN:

2 Q. All right. Did you witness Vincent Green
3 assault Gerrilee Fisher on March 5th, 2021?

4 A. No.

5 Q. Did you witness Jared Reece on March 5th,
6 2021, touch or push Derick Roque?

7 A. I did not.

8 Q. Okay. Did Local 1000 -- oh, I'm sorry.
9 Were you at Local 1000 headquarters or the
10 other buildings on March 5th through the 10th, 2021?

11 A. I believe March 5th was the day that you took
12 over the building. No, I was not there. I was not
13 physically present until the day we got you out. I
14 don't remember exactly what day that was.

15 Q. All right. Did Local 1000 staff receive an
16 email to not come to work during March 5th through
17 March 10th -- or should I say March 11th?

18 A. If that's when you were in the building. I
19 know March 5th and 6th you were in the building. But if
20 it went through -- yeah, staff was instructed not to
21 come to the building because they couldn't get in. No
22 business could get done.

23 Q. Was I on -- do you remember me on video
24 stating that staff could not come to work between
25 March 5th through March 11th?

1 A. I don't remember that.

2 Q. Okay. But to follow up, you don't remember
3 that email that went out to Local 1000 staff telling
4 them to not come to work March 5th through March 11th?
5 You don't remember that email going out?

6 A. I didn't say that. I said that I remembered
7 staff being notified that they should not come to work.
8 I don't remember the -- or, you know, yes.

9 Q. Okay. Who made that -- okay. So if the three
10 VPs suspended me on February the 27th, after I'd already
11 suspended them of their duties, who made that decision
12 for staff to not come to work March 5th through
13 March 11th? Who made that decision?

14 A. I believe it was -- you asked me specifically
15 about an email. I believe that it was the three VPs in
16 concert with other staff that would have had the
17 authority to be in those discussions that made the
18 decision as a group.

19 Q. So then you do remember being part of a
20 discussion to not have staff come in March 5th through
21 March 11th?

22 A. Yep.

23 THE HEARING OFFICER: Ms. Walls, wait until
24 the question is finished before you answer so the court
25 reporter can get both your answer and the end of the

1 question.

2 THE WITNESS: My apologies.

3 BY MR. BROWN:

4 Q. So I'm sorry if I'm speaking too fast, Anica.
5 I'll try to slow it down.

6 So you now do remember you and the two VPs and
7 staff coming together to make a decision to send out an
8 email to all the staff to tell them to not come to work
9 at Local 1000 headquarters between March 5th through
10 March 11th?

11 A. Just to clarify, I don't remember what we
12 discussed the mode of notification being. It would have
13 made sense that it would be an email. What I stated was
14 that the decision was made by the three VPs in concert
15 with other staff that would be privy to that
16 information. I don't remember how we decided to get
17 that information out. And I was not the person who
18 officially gave that information. So I don't remember
19 exactly an email, but I remember the conversation and
20 helping make that decision. Hopefully, that's clear.

21 Q. So let me ask a follow-up question. The three
22 VPs, with David acting as president -- who was the staff
23 that assisted the three VPs in making a decision to not
24 have staff come in between March 5th through March 11th?

25 A. There were multiple staff. Do I need to name

1 every single one of them?

2 Q. Yes. Because --

3 THE HEARING OFFICER: That was yes.

4 MR. BROWN: I'm sorry.

5 THE HEARING OFFICER: Can you name them,
6 Ms. Walls?

7 THE WITNESS: Sure. Donna Snodgrass was one
8 of them. Anne Giese was another one.

9 THE HEARING OFFICER: Slow it down. Go ahead.

10 THE WITNESS: The three vice presidents. I
11 believe there were a couple of lawyers on the call. I'm
12 not exactly -- I don't remember if it was one or two.
13 Might have not been any. And I think Alex Arnone might
14 have been a part of that conversation as well.

15 MR. ANDONIAN: Mr. La Rue, I want to object
16 given the testimony. It sounds as though there could be
17 privileged information here. I know it's not my
18 privilege to raise, but I would be remiss to not point
19 it out.

20 THE HEARING OFFICER: Well, we haven't gotten
21 into the nature of the discussion, only that there was a
22 discussion and that these were the persons involved.

23 MR. ANDONIAN: Absolutely. I just wanted to
24 make sure, before we go any further, that I noted that
25 just so we're on the lookout for it.

1 THE HEARING OFFICER: Very well.

2 Proceed, Mr. Brown.

3 BY MR. BROWN:

4 Q. And one follow-up question behind Donna
5 Snodgrass, Anne Giese, possibly Alex Arnone. She said
6 some lawyers. Were these lawyers from SEIU
7 International? Because you testified --

8 A. One of them would have been.

9 Q. All right. So is Donna Snodgrass still
10 currently working for Local 1000?

11 A. No, she's not.

12 Q. In your allegations, you said I acted like I
13 was all-powerful and that I made every decision and this
14 and that.

15 If Donna Snodgrass, the person I brought with
16 me to be my chief of staff on my first day, if she is no
17 longer at Local 1000 -- did she voluntarily resign? Or
18 why did she decide to leave?

19 A. I can't speak to those -- speak to those --
20 speak to that.

21 Q. So one quick follow-up. If she's no longer
22 there and then she didn't voluntarily resign, is there a
23 possibility the executive committee may have had a
24 meeting to say, "Hey, we want to terminate her"?

25 THE HEARING OFFICER: Calls for speculation,

1 Mr. Brown.

2 MR. BROWN: Okay. Okay. Okay.

3 BY MR. BROWN:

4 Q. Well, one quick thing. Did the executive
5 committee call for a meeting to terminate her?

6 A. No.

7 Q. So let me make sure I hear this clearly. The
8 executive committee, the three vice presidents, did not
9 come together to terminate her. And so terminations
10 through Local 1000 comes through the president. And
11 since I'm not the acting president, then the question
12 would be raised -- in regards to all the intent of my
13 decisions that I've made, that it wasn't, quote,
14 "all-powerful."

15 Who made that decision to terminate her?

16 THE HEARING OFFICER: Asked and answered.

17 MR. BROWN: I'm sorry. So I'm asking who made
18 the decision to terminated Donna Snodgrass.

19 THE HEARING OFFICER: I know. Asked and
20 answered. The witness says she doesn't know. She
21 said -- go ahead.

22 THE WITNESS: Yeah, I didn't say I don't know.
23 I said that the three vice presidents did not -- did not
24 decide -- the way he asked -- if you could read back his
25 question, I answered his question directly. And the

1 answer to his specific question was no. He asked if the
2 three vice presidents terminated Donna Snodgrass. The
3 answer to that specific question is no.

4 MR. ANDONIAN: I'll just object to this line
5 of questioning. I'm not sure what the relevance is, and
6 it's now taken a couple of minutes. I'll object on
7 those grounds.

8 THE HEARING OFFICER: I'm going to overrule
9 the objection. I also am not sure, but I'm going to
10 give Mr. Brown some leeway to show the relevance of this
11 line of questioning.

12 MR. BROWN: Thank you. And the relevance to
13 this line of questioning --

14 THE HEARING OFFICER: No, no. Ask a question.

15 MR. BROWN: I'm sorry. I'm sorry. I'm sorry.

16 BY MR. BROWN:

17 Q. So my question is to you, Anica, if the three
18 VPs did not terminate Donna Snodgrass, who terminated
19 Donna Snodgrass?

20 A. I mean --

21 THE HEARING OFFICER: You either know or you
22 don't know. Don't speculate.

23 THE WITNESS: Yeah, I'm not sure that I can
24 answer that question.

25 ///

1 BY MR. BROWN:

2 Q. To finalize this question, to finalize this
3 question, you don't have any emails from Donna Snodgrass
4 saying that "I was terminated by" such and such? You
5 have no emails to justify -- to state that?

6 MR. ANDONIAN: Your Honor -- Mr. La Rue, I'm
7 going to object. That's a different question than what
8 he's asking, whether or not she has emails is venturing
9 into a different -- and especially given that she's just
10 testified there were lawyers that were involved in this
11 phase of things, it's possibly not even proper to be
12 inquiring to the extent he's going to ask what the
13 emails said. But that's not even the question he was
14 asking.

15 I think she's said several times now she can't
16 answer the question.

17 THE HEARING OFFICER: Mr. Brown.

18 MR. BROWN: So my apologies, Mr. Andonian.
19 Let me rephrase this.

20 BY MR. BROWN:

21 Q. Do you know who terminated Donna Snodgrass,
22 "yes" or "no"?

23 THE HEARING OFFICER: Asked and answered.

24 MR. BROWN: So she stated she didn't know if
25 she could answer that question. That's what she had

1 stated earlier. She didn't know if she could answer
2 that question.

3 THE HEARING OFFICER: Right.

4 BY MR. BROWN:

5 Q. So does that mean -- Anica, when you say you
6 don't know if you can answer that question, does that
7 mean you don't know who terminated her or you don't know
8 that you can say who terminated her?

9 A. I know that there are legalities surrounding
10 what has happened and, therefore, I don't know to what
11 extent I would be okay to talk about what I know. I
12 don't feel it's appropriate to go into that because I
13 don't know for sure that I can't get in trouble for what
14 I would say about what I know.

15 MR. BROWN: So here's the relevance to this.
16 The question I was asking about does she know who did it
17 or she's not able to talk about it, when she's referring
18 to the lawsuits in her allegations and she's saying that
19 I was keeping information from her and Anica -- her and
20 David and Irene, that wasn't the truth. So now I'm
21 showing here --

22 THE HEARING OFFICER: You can argue that from
23 her testimony.

24 MR. BROWN: Okay.

25 THE HEARING OFFICER: You can argue that in

1 your brief from her testimony. But I think we've
2 exhausted this line of questioning.

3 MR. BROWN: Thank you, sir. I'll move on.

4 THE HEARING OFFICER: Ms. Lynch, simply
5 because you have your hand in front of your face doesn't
6 mean I can't hear you. And it interferes with my being
7 able to do my job. I've asked you twice to refrain.

8 MR. BROWN: Yes, sir.

9 MS. LYNCH: I'm sorry, sir. I'm on mute. I
10 don't know why you can still hear me.

11 THE HEARING OFFICER: Because you're in the
12 same room.

13 Mr. Brown, proceed.

14 BY MR. BROWN:

15 Q. Let me go to this next question about time
16 off, because that's part of your allegations.

17 You said that time off -- this is your
18 personal opinion. So there is no factual basis for you
19 to do this. So I'm going to ask you again. From this
20 morning's testimony, you said time off is your personal
21 opinion.

22 Is that still your personal opinion now?

23 MR. ANDONIAN: Objection. Vague.

24 THE HEARING OFFICER: I don't understand the
25 question.

1 MR. BROWN: Let me rephrase -- let me rephrase
2 the question.

3 BY MR. BROWN:

4 Q. When staff was given seven factual [sic] days
5 and five of those days were complete days off and two
6 were half days -- so that time that was given to
7 staff -- is it still your personal opinion that that was
8 wrong?

9 A. What I believe I stated earlier was that I
10 believed that all of the days were not merited.
11 Correct. I agreed with some and didn't agree with
12 others. So -- so just to finish what you asked me, yes,
13 there were some that I still believe should not have
14 been given to staff. Others, kudos, you did a good job.

15 Q. So to clarify this before I go to the next
16 question, it's just your personal opinion about staff
17 having time off. Because you stated this morning
18 Juneteenth you agreed with. Thank you. But Labor Day
19 you didn't agree with. So this is just your personal
20 opinion about staff having time off?

21 MR. ANDONIAN: Objection --

22 THE HEARING OFFICER: That's what the witness
23 testified to. Let's move on. Asked and answered.
24 Summation is for briefs, not for cross-examination.

25 You're muted. Mr. Brown, you're muted.

1 MR. BROWN: Thank you. I'm trying to make
2 sure you don't hear nothing in the background.

3 BY MR. BROWN:

4 Q. Anica, did I give you a reason for giving
5 staff time off?

6 A. Yes. You gave reasoning when -- yes.

7 Q. My follow-up question to that is, when I gave
8 you reasoning for giving staff time off, do you remember
9 me telling you "I'm giving staff off because they've
10 never had it off before with the former president, and
11 we're trying to reward their hard work"? Do you
12 remember me telling you that?

13 A. I remember that being one of your responses,
14 yes.

15 Q. Do you remember another response of me giving
16 staff seven days off was that we were trying to build
17 morale and solidarity in addition to them getting a
18 14 percent pay increase over three years in their new
19 contract?

20 A. I do. But I also remember objecting and
21 giving you some feedback on that.

22 Q. So when you objected to that, do you remember
23 on August 30th, at the board meeting you attended,
24 voting yes on the UAW 2250 contract that gave them a
25 14 percent pay increase over three years?

1 A. Yes. I voted yes on that contract. Those
2 days were not included in that -- as a part of that
3 vote.

4 Q. Are you aware that giving people time off does
5 not affect the budget?

6 A. I would argue that I don't believe that to be
7 true. It would have to affect the budget.

8 Q. Are you aware that Local 1000 did not have to
9 pass a budget for 2022 in order to spend money?

10 A. I'm aware of that now.

11 Q. Were you aware of a Sac Bee article that was
12 published in early January that quoted attorneys in the
13 state of California stating that you don't have to pass
14 a budget to spend money for a public sector union?

15 A. I don't remember the article specifically, no.

16 Q. Okay. Can I ask this question? How did staff
17 respond to the time off that they were given?

18 A. I think they were surprised.

19 Q. So let me ask this follow-up question. How
20 did -- did staff's morale get boosted with getting time
21 off and being told well in advance so they could plan to
22 be with their families during the holidays?

23 A. You know, there were so many things happening
24 with staff. I remember there being all kinds of
25 feelings. Like I said, a lot of them were surprised.

1 Some weren't sure if it was going to stick because of
2 the amount of changes. So, I mean, there were
3 multiple -- there was multiple feedback I got from
4 various people.

5 Q. Follow-up question with that, when they
6 received their 14 percent pay increase, when it was
7 voted on at the board meeting that I had on August 30th,
8 after I had my first board meeting on July 6th, before
9 my third board meeting that I actually had on July -- on
10 December 19th, when they received that 14 percent pay
11 increase over three years, did they feel that that was a
12 good thing or did they feel that I was being aggressive
13 and trying to intimidate them by giving them a huge pay
14 increase of 14 percent over three years?

15 MR. ANDONIAN: Objection. Compound question.
16 Calls for speculation.

17 THE HEARING OFFICER: Yes. Compound question.
18 Rephrase.

19 MR. BROWN: Sorry. I'll rephrase it.

20 BY MR. BROWN:

21 Q. Did the staff feel that I was being too
22 aggressive by giving them a 14 percent pay increase over
23 three years -- over three years?

24 A. I don't think so. I think they were pretty
25 happy about it.

1 Q. So to finalize that about the 14 percent pay
2 increase over three years, did the staff feel that I was
3 trying to make myself look good or I was trying to be a
4 dictator to them when they were able to negotiate and
5 receive a 14 percent pay increase over three years?

6 A. I don't remember having any of those
7 conversations about how you looked or you involved
8 necessarily, why you did what you did. I think they
9 were pretty happy to get it. That was it.

10 Q. And when the staff received that pay increase
11 over three years, did the staff feel that I talked to
12 them inappropriately? Or did they feel like -- I'm
13 sorry.

14 A. No, go ahead. Finish your question.

15 THE HEARING OFFICER: Just don't compound it.

16 MR. BROWN: Yeah. That's why I shut up. So
17 I'm trying to keep it to the point.

18 THE WITNESS: So now rephrase.

19 BY MR. BROWN:

20 Q. Did the staff feel when they got the
21 14 percent pay increase over three years that they
22 negotiated in good faith, did they feel that they were
23 able to talk to me and I was professional enough or able
24 to talk and communicate with them?

25 A. I think you had multiple staff feeling

1 multiple ways. Some of them did not like interacting
2 with you. Some of them did feel -- or did not like the
3 way you were talking or treating them. Others didn't
4 have much interaction; so they didn't have much to say.
5 Again, the gamut goes kind of from end to end, depending
6 on who you talk to.

7 Q. And so do you remember when I told you that we
8 needed to do something incredible to compete with the
9 other unions in order to keep our staff from leaving and
10 because we didn't pay enough money, that we had to find
11 other ways to retain our staff? Do you remember that
12 conversation?

13 A. I remember us talking about how we could treat
14 staff better, absolutely.

15 Q. And then the follow-up to that, do you
16 remember the first all-staff meeting we had with the
17 staff that was done by Zoom where I told the staff I had
18 an open-door policy but I didn't want to disrespect the
19 chief of staff and her position but people could always
20 call and contact me? Do you remember that conversation,
21 that Zoom meeting?

22 A. I think so.

23 Q. Okay. All right. Does -- the Local 1000
24 board of directors, did they approve my day-to-day
25 operations for Local 1000?

1 A. Not most of them.

2 Q. All right. So then I'm going to ask a
3 follow-up question. Going back to the past, the former
4 president that was in for 13 straight years, did the
5 board approve her day-to-day operations for Local 1000?

6 MR. ANDONIAN: Objection.

7 THE HEARING OFFICER: Irrelevant, Mr. Brown.
8 I said testimony about the prior president isn't going
9 to help me make a decision on this matter. Move on to
10 your next question, please.

11 MR. BROWN: So I'm going to go back to the
12 question I just asked: Did the board approve day-to-day
13 operations for Local 1000? Anica said most of them
14 [sic].

15 BY MR. BROWN:

16 Q. So which ones did they not approve of, Anica?

17 A. What I heard you say was your day-to-day;
18 operations; right? So what you were doing
19 organizationally. No, you did not have the majority of
20 the board support.

21 Q. Right. So when I asked you does the board
22 approve day-to-day operations for Local 1000 -- I guess
23 the way I should have asked it is, by the policy file,
24 do I need the board's approval to run the day-to-day
25 operations as the Local 1000 president?

1 A. To a certain degree, yes, you should have the
2 board -- you should run things through the board. Must
3 you in order to actually run the operations? I think
4 you have more -- I think you have more power than
5 necessary, yes.

6 Q. And that's your personal opinion?

7 A. No. That's how policy file reads.

8 MR. BROWN: Well, since we're talking about
9 policy file, Mr. La Rue, can we go back to the policy
10 file and look at the --

11 THE HEARING OFFICER: The opinion of this
12 witness as to what the policy file means is my decision
13 to make, not this witness.

14 MR. BROWN: Right. So I wanted to go to the
15 policy file to read the duties of the Local 1000
16 president and then ask her again so maybe she could
17 possibly change her response to that.

18 THE HEARING OFFICER: Put them up.

19 MR. BROWN: Yes, sir.

20 THE HEARING OFFICER: Again, this is NHO
21 Exhibit B -- oh, no -- it's N, as in "Nancy."

22 You're referring, Mr. Brown, to -- you're
23 muted. You're muted.

24 MR. BROWN: Yes, sir. So I'm still here. I
25 went off so I could get to the policy file, to that

1 page, but the page went to another page. And I was
2 trying to figure out how I can show all these pages to
3 you. So I'm going to go back to --

4 THE HEARING OFFICER: And this is the
5 December 2019 policy file?

6 MR. BROWN: Yes, sir. I'm in the same policy
7 file and I'm trying to go back to it. Hold on. What am
8 I doing wrong?

9 (Pause in proceedings.)

10 THE HEARING OFFICER: Mr. Brown, you're muted.

11 MR. BROWN: Yes, sir. Let me go to my share
12 screen.

13 BY MR. BROWN:

14 Q. All right. So what I'm trying to do is go to
15 the policy file and then I'm trying to have it
16 highlighted.

17 THE HEARING OFFICER: One moment.

18 Let the record show that Mr. Brown has put on
19 the screen -- on the share screen Brown Exhibit N, as in
20 "Nancy," 3.0.03.

21 Proceed, Mr. Brown.

22 BY MR. BROWN:

23 Q. So it says "Duties of the statewide officers."
24 And as you can see here -- I can read it or I can just
25 let everyone take their time and just read it. And I

1 have it highlighted.

2 THE HEARING OFFICER: Only Ms. Walls needs to
3 read it. She's the one who is being questioned. Make
4 it available for her.

5 BY MR. BROWN:

6 Q. Anica, can you see the president in the policy
7 file, the duties?

8 A. Yes, I can read it.

9 Q. Oh, okay.

10 A. I've read it. Go ahead.

11 Q. Here, let's go down to the rest of it here.

12 THE HEARING OFFICER: Scroll down a little
13 further to 12. There you go.

14 Ms. Walls, let us know when you've finished
15 reading it.

16 THE WITNESS: Okay. I'm good.

17 THE HEARING OFFICER: Ask your question.

18 BY MR. BROWN:

19 Q. So the question is, when I asked does the
20 board need to approve day-to-day operations for
21 Local 1000, what would your response be after reading
22 the policy file?

23 A. Again, Richard, my answer would be the same.
24 Right? So yes, there are certain things that I believe
25 that the board should have an opinion on. If you're

1 going just based off of what you have highlighted,
2 obviously, you were able to make those moves. And those
3 things don't have to go through the board of directors,
4 obviously. You know, I personally have my opinions as
5 to how the policy file has been changed over the years
6 anyway; so...

7 THE HEARING OFFICER: This line of questioning
8 is still -- is doing exactly what I said before. This
9 witness is not the witness -- is not the person
10 competent to determine what the interaction or the
11 appropriate activities are between the president and the
12 board. That's for me to decide in the context of the
13 facts.

14 The policy file is in the record, and you can
15 be assured that I will look at it and review it along
16 with the testimony. But I don't need any more opinion
17 as to what it means. That's for me to determine.

18 MR. BROWN: All right. Do you want me to now
19 stop the share of the policy file?

20 THE HEARING OFFICER: If we don't have any
21 more questions on it, yes, please.

22 BY MR. BROWN:

23 Q. Has it ever been part of Local 1000 history,
24 Anica, that staff has been told to not communicate with
25 the three VPs?

1 A. Yes.

2 MR. ANDONIAN: Objection. Relevance to the
3 extent it calls for the history of Local 1000 practice.

4 THE HEARING OFFICER: Yeah, I think that's --
5 you'll need to reframe the question. It's way
6 overbroad.

7 BY MR. BROWN:

8 Q. So you stated that I said for the staff to not
9 communicate with the three VPs. And you stated that me
10 telling them to not communicate would stop them from
11 doing their jobs.

12 Can you give me two or three clear-cut
13 examples where the staff stopped communicating with the
14 three VPs and they could not do their job, and do you
15 have the emails to substantiate this?

16 THE HEARING OFFICER: Those are two different
17 questions.

18 MR. BROWN: I'm sorry. Let me stop this
19 compounding.

20 BY MR. BROWN:

21 Q. Can you give three examples of where the
22 staff, when they were told to not communicate with the
23 three VPs in order for them to do their jobs? Can you
24 give three examples of that?

25 A. Yes.

1 Q. All right. So can I please have the three
2 examples where the staff was told to not communicate
3 with the three VPs in order for them to fulfill their
4 job duties? Can you show me those three examples and
5 show where the staff communicated to you about "Richard
6 said not to talk to you; so I can't help you do
7 anything"?

8 THE HEARING OFFICER: Compound.

9 THE WITNESS: So let me, I guess, clarify my
10 answer. I don't know if I have emails specifically --

11 THE HEARING OFFICER: That's not the question,
12 Ms. Walls. All you were asked --

13 THE WITNESS: I'm sorry. I thought he
14 had asked for emails.

15 THE HEARING OFFICER: One second.

16 You were asked initially -- and that's what I
17 want to hear the answer to -- Mr. Brown asked you if you
18 had three examples in which staff were told not to
19 communicate with the VPs.

20 THE WITNESS: Okay. So example number one
21 would have been some of the direct stuff that we saw in
22 the allegations, which would have been direct text
23 messages from Richard to Donna Snodgrass, our chief of
24 staff.

25 In another example, there was a research

1 director as well as -- gosh, who else was it? -- I
2 guess -- (audio interference).

3 THE HEARING OFFICER: Can you get a little bit
4 closer to your -- Ms. Walls, you're fading. Your
5 Internet is fading.

6 Ms. Walls -- Ms. Walls, your Internet is
7 fading.

8 THE WITNESS: Okay. Can you hear me better?

9 THE HEARING OFFICER: Ms. Walls, listen to the
10 court reporter and pick up from there.

11 (Record read as requested.)

12 THE WITNESS: Okay. Can you hear me now?

13 THE HEARING OFFICER: Yes.

14 THE WITNESS: Okay. So IT individuals as well
15 as a DLC president, all of which were involved in
16 getting them up and running. And we were no longer -- I
17 was told by the IT -- by the director -- I'm sorry --
18 Kenny Sims specifically, that we couldn't continue
19 meeting and then alluded to he had been -- you know, he
20 had been told that we couldn't meet anymore. And I got
21 the same thing from the IT person.

22 MR. BROWN: So my thought -- when I asked for
23 the three clear-cut examples of how they were prevented
24 from doing their job duties and she said she cannot give
25 the emails where Kenny Sims, the research director --

1 THE HEARING OFFICER: That was the second
2 question. I didn't allow that question.

3 MR. BROWN: Okay. Strike that.

4 So when I asked for the three clear-cut
5 examples --

6 THE HEARING OFFICER: Just ask her the
7 question. What question do you want to go to next? If
8 you want to talk about emails now, talk about emails
9 now. She answered your first question. She gave you
10 three examples in response to your question about
11 telling staff not to communicate with VPs. You now want
12 to inquire about emails, inquire about emails.

13 MR. BROWN: So I have to object to this.
14 Because when she said that Kenny Sims wouldn't work with
15 her, she never said exactly what was she trying to do as
16 the VP of organizing/representation that kept her from
17 doing her job that Kenny Sims would have assisted her
18 with.

19 THE HEARING OFFICER: Then you may ask that
20 question. You may follow up.

21 MR. BROWN: So let me ask that question. Let
22 me ask that question as a follow-up.

23 BY MR. BROWN:

24 Q. What exactly, Anica, did Kenny Sims not assist
25 you with in your efforts by the policy file to do your

1 job as organizing/representation with his research
2 ability?

3 A. So we were very specific -- (audio
4 interference).

5 THE REPORTER: I can't understand her. The
6 Internet is cutting out.

7 THE HEARING OFFICER: Ms. Walls --
8 Ms. Walls -- Ms. Walls -- Ms. Walls, stop. Stop.

9 THE WITNESS: I'm here. I'm here. I haven't
10 moved.

11 THE HEARING OFFICER: No, you're not. You're
12 not coming through to us. Your Internet is fading such
13 that the court reporter cannot understand you. Can you
14 relocate? Can you get a stronger signal?

15 THE WITNESS: I have not moved. I could move
16 in a minute or so.

17 THE HEARING OFFICER: Where you are, we're not
18 getting -- your Internet is fading in and out, and we
19 can't understand you.

20 THE WITNESS: Can we take a break for three
21 minutes and I can get out of here?

22 THE HEARING OFFICER: Very well. Recess until
23 4:30.

24 Recess to 4:30.

25 (Break taken from 4:17 to 4:31 p.m.)

1 THE HEARING OFFICER: It looks as if we're all
2 assembled again.

3 Ms. Walls, would you test your speaker,
4 please.

5 THE WITNESS: I'm ready.

6 THE HEARING OFFICER: Okay. Good.

7 Mr. Brown, you may resume.

8 MR. BROWN: So I've been asked -- we want to
9 make sure that Anica is in a private area.

10 THE WITNESS: I am.

11 BY MR. BROWN:

12 Q. Okay. Okay. So here's my next question.
13 Have I ever -- would you introduce -- okay. I'm just
14 going to ask the question.

15 Have I ever sent you any harsh texts -- harsh,
16 profane texts?

17 A. Not that I recall.

18 Q. All right. Not that you recall -- oh, wait.
19 I'm sorry. I cut you off. I'm sorry.

20 A. No. Nothing. It's not relevant. It's just
21 extra.

22 THE HEARING OFFICER: Proceed, please.

23 BY MR. BROWN:

24 Q. Have I ever threatened you while you performed
25 your duties as the VP of organizing/representation?

1 A. No. I think you know --

2 THE HEARING OFFICER: I'm sorry. I didn't
3 hear the last part, Ms. Walls.

4 THE WITNESS: My answer is I think he knows
5 better. You know --

6 THE HEARING OFFICER: Let's stick with the
7 answer to the questions, please.

8 THE WITNESS: So no.

9 THE HEARING OFFICER: The answer is, "No."

10 THE WITNESS: No.

11 MR. BROWN: I respect that.

12 BY MR. BROWN:

13 Q. Did Vice President Jimenez, did he ever
14 dismiss HR1 charges?

15 THE HEARING OFFICER: I need some
16 clarification as to the meaning of the question.

17 MR. BROWN: I'm sorry.

18 BY MR. BROWN:

19 Q. So Anica --

20 THE HEARING OFFICER: Go ahead. Reframe the
21 question.

22 BY MR. BROWN:

23 Q. Anica, were you aware that VP David Jimenez
24 has dismissed HR1 charges against me in the past on
25 several occasions?

1 A. Against you? You know, honestly, I don't
2 recall. I don't see all the HR1s that come in.

3 Q. So the follow-up question is, when you were
4 putting your allegations on 10, the follow-up question
5 is he never told you, because I know he worked closely
6 with you, that he had dismissed frivolous HR1
7 allegations against me in the past?

8 A. I know he's dismissed HR1s for frivolous
9 reasons. But against you specifically, I'm not sure.

10 Q. All right. So are you aware of the policy
11 file that any charges against the president will go to
12 the vice president/secretary-treasurer?

13 A. Yes.

14 Q. You're aware of that. And any other HR1
15 charges that's not against the president, the president
16 will address?

17 A. I believe go to you. Yes. Or currently to
18 him because he's the acting president.

19 Q. Correct. That's correct. Okay.

20 But you still feel that I grossly abused my
21 position, mistreated staff, using directives to the
22 chief of staff to issue discipline to staff for flawed
23 and unfounded reasons?

24 A. I do.

25 Q. Would you be able to give three examples of

1 that?

2 A. I could give two.

3 Q. Okay. I'm going to mute myself.

4 A. One of the examples would have been a write-up
5 to Glen Bessemer for following your directives when you
6 had changed the representation model.

7 And then I believe the other write-up or -- I
8 guess you would call it like a write-up or, you know,
9 you kind of having issues or -- yeah, write-up -- would
10 have been for another staff member who, again, was just
11 trying to do his job with representation.

12 Q. So I want to go back to the Glen Bessemer.

13 Were you aware that Glen Bessemer in that
14 meeting we had admitted that he made a mistake and that
15 he didn't do what he was instructed to do that had been
16 passed out since October of 2021 in regards to him
17 taking actions in DLCs?

18 A. I was not in that meeting, which -- yeah, no,
19 I was not in that meeting. So I don't know exactly why
20 you wrote him up until after we had suspended you.

21 Q. All right. So you were not aware -- okay. So
22 you answered that question.

23 Were you aware that the meeting you attended
24 in October of 2021 stating that we was going from an
25 organizational-type union to a representational-type

1 union, were you aware that, from that point on, the
2 DLC -- the staff would be contacting DLC presidents when
3 they worked inside the DLCs?

4 A. I believed that that was one of the things
5 that -- one of the new expectations that we were trying
6 to have them do was communicate with their leadership,
7 yes. But now you're talking -- if I could just clarify,
8 because I'm hoping that you're not referencing what I
9 was speaking of.

10 The changes that I am talking about when I
11 said that they were written up were the unilateral
12 changes that you put into play when you changed the
13 directive of the DLC presidents having to give the
14 direction of how the URC, the representational staffers
15 would respond. I was not referring to the organizing
16 and representational models being merged.

17 Q. So are you aware that what you're saying is
18 the same thing, that we had the --

19 A. They're different things.

20 Q. No. So you're not aware that the Zoom meeting
21 we had in October with the chief of staff and the staff
22 along with you and the other two vice presidents, that,
23 going forward, we'd be a representational-style union
24 and the staff, when they went inside DLCs, they would
25 contact the DLC president so they would be made aware of

1 what actions were taking place so that they could be
2 responsible to their represented employees, reach DLC
3 versus not knowing when staff was going in and doing
4 work? You don't remember that meeting?

5 A. Again, those -- again, there are -- I believe
6 you're speaking of two separate directives. Yes, I was
7 aware that staff should be notifying the DLC leadership
8 of their actions in the DLC.

9 The reason that I am stating that they are two
10 different directives was because the second directive,
11 the one that I had the most problem with, was that a
12 staffer could not respond to any notification or call
13 that they got without getting direction as to how they
14 handled that problem without notification from their
15 president as to how they should handle that. And that
16 was a distinct difference than what I think you're
17 talking about now.

18 Q. Do you remember distinctly earlier in the
19 conversation when I asked you about do you remember the
20 follow-up email that went out like a day or two later
21 after the first email in February talking about the
22 staff need to be reminded that they had to inform the
23 DLC president? Now, in that email -- okay. Wait. I'm
24 compounding.

25 Do you remember distinctly earlier me asking

1 you that question about a second email going out?

2 A. I remember you talking about it, yeah.

3 Q. But you don't remember --

4 A. By that time -- by that time you were not
5 responding to me. So the email correspondence that I
6 was seeing I was getting directly from staff, not from
7 you.

8 THE HEARING OFFICER: You're muted.

9 MR. BROWN: I'm sorry. I'm sorry.

10 BY MR. BROWN:

11 Q. So let me make sure I hear you. Do you
12 remember a text message I sent you about that second
13 email that went out?

14 A. You did tell me a second email went out, that
15 you were trying to correct what you did. Yeah, you told
16 me about it. I didn't see it.

17 Q. The text message? The text message I sent you
18 on the phone that a second email was going out -- or had
19 went out to clarify that first email was just a slight
20 mistake? And it went out like a day later; so no harm
21 was done to the Union.

22 Do you remember that?

23 MR. ANDONIAN: Objection. Argumentative.

24 THE WITNESS: I remember saying that.

25 THE HEARING OFFICER: No, I think it's

1 appropriate.

2 Ms. Walls, when there is an objection, please
3 hold until I get it finished.

4 The objection is overruled. You may answer
5 the question.

6 THE WITNESS: So I remember the text, yes, but
7 I did not see the email. You basically told me it was
8 being handled; you were fixing it. I didn't know what
9 that meant.

10 MR. BROWN: I'm unmuting myself.

11 BY MR. BROWN:

12 Q. Do you remember when I said to you I would
13 talk to you and David about that particular situation
14 but I needed a witness because I felt like I was being
15 bullied?

16 A. I do remember you saying that. You said that
17 on a call with about 25 "effings" on it.

18 Q. No, no, I'm not -- sorry.

19 THE HEARING OFFICER: Finish your statement,
20 Ms. Walls.

21 THE WITNESS: I mean, yeah, that's my
22 statement.

23 THE HEARING OFFICER: All right. Mr. Brown,
24 next question.

25 ///

1 BY MR. BROWN:

2 Q. So I'm going to go back. You don't remember
3 me sending you a phone text stating that I would talk to
4 you and David individually or I would need to have a
5 witness to the conversation because I thought I was
6 being bullied by two people? So I was very
7 uncomfortable about the situation, about the staff being
8 told -- or being reminded to contact the DLC presidents
9 when they went inside their DLCs?

10 A. I will repeat my answer. I remember you
11 saying that on a call with multiple other people on it.
12 Therefore, there were already witnesses on the phone.

13 MR. BROWN: So at this point, I don't know
14 that I can introduce text messages that Anica sent me.

15 THE HEARING OFFICER: You cannot.

16 MR. BROWN: So I can't enter it as rebuttal to
17 what she just said?

18 THE HEARING OFFICER: You have not entered
19 these before?

20 MR. BROWN: Right. But this is rebuttal to
21 her testimony. Because, when you enter your exhibits,
22 sometimes when people testify --

23 THE HEARING OFFICER: I know -- you don't need
24 to give me an evidentiary lesson, please.

25 Show the text message.

1 MR. BROWN: It's right here.

2 THE HEARING OFFICER: We can't see it.

3 MR. BROWN: I'm sorry. Wait, wait, wait. I'm
4 muted. No, I'm good.

5 You want me to screenshot it, and then send
6 everyone this screenshot to their email?

7 THE HEARING OFFICER: We need to see it.

8 MR. BROWN: Yes, sir. So I'm going to mute
9 myself, I'm going to screenshot it and then I'm going to
10 forward it in an email to everyone.

11 THE WITNESS: I think I found what he's
12 talking about, but I can't find a date for when that
13 was. So I don't know if it was before or after we
14 moved. I think this is what he's referring to.

15 MR. ANDONIAN: I'd just ask that Mr. Brown put
16 whatever it is he is referencing, and then we can figure
17 out whether or not it's proper.

18 THE HEARING OFFICER: Send it to Mr. -- can
19 you send it to Mr. Andonian?

20 MR. BROWN: Yes, sir. I'm going to send it to
21 everybody, everyone on the call.

22 THE HEARING OFFICER: Just send it to
23 Mr. Andonian first.

24 MR. BROWN: Yes, sir.

25 THE WITNESS: Can I make a statement?

1 THE HEARING OFFICER: No, you may not.

2 THE WITNESS: All right.

3 MS. LYNCH: Mr. La Rue, I'm sorry.

4 Mr. La Rue, I'm sorry. Would it be okay,
5 while he's looking for that, for me to take a short
6 break? I have a medical condition; so I have to take
7 breaks every once in a while.

8 THE HEARING OFFICER: Yes. Take your break.

9 MS. LYNCH: Thank you.

10 THE HEARING OFFICER: Let the record reflect
11 that we are off the record for the moment while
12 Mr. Brown finds a text message, and he has been directed
13 to send it to Mr. Andonian first. Then we will proceed
14 from there.

15 Let the record also reflect that Ms. Lynch
16 needed to take a break and has stepped away.

17 (Pause in proceedings.)

18 MR. BROWN: Okay. I tried to go as fast as
19 possible, Mr. La Rue, to send Phil the text message.

20 MR. ANDONIAN: I've looked at it. Can I ask
21 for a proffer as to what this text message purports to
22 be and what the relevance of it is? Is this
23 impeachment? I'm not sure I totally get it.

24 MR. BROWN: I'm sorry. I just unmuted myself
25 and turned the volume up on my computer. I just sent

1 the text to Mr. Andonian.

2 MS. LYNCH: You're muted, Mr. La Rue.

3 THE HEARING OFFICER: My apologies.

4 Mr. Andonian then asked you a question,
5 Mr. Brown, about what the -- asked you for a proffer as
6 to what this purports to be. Is this an impeachment or
7 what?

8 Unmute.

9 MR. BROWN: I'm sorry. I was just offering a
10 rebuttal when she thinks that, you know, I wasn't trying
11 to communicate with her and stuff, I've always tried --
12 wait. I'm compounding. I'm compounding. I'm sorry.

13 I have tried to communicate with Anica. I'm
14 just giving clear-cut evidence right away in regards to
15 her testimony. That's it.

16 THE HEARING OFFICER: So it's purported to be
17 an impeachment of her testimony, meaning she has made a
18 statement --

19 Ms. Walls, please do not respond until there
20 is a question.

21 Mr. Brown, you're indicating that she has made
22 a statement on cross-examination which you think is
23 contradicted by something by this text message; is that
24 correct?

25 MR. BROWN: Yes, sir.

1 THE HEARING OFFICER: Mr. Andonian.

2 MR. ANDONIAN: My recollection of her
3 testimony is that in the lead-up to the attempted
4 suspension of Ms. Walls that Mr. Brown was very
5 difficult to get in touch with, not that he was not
6 having any communication with her, but that he either
7 was hard to get in touch with or would be very
8 dismissive and brief. I don't know that this
9 establishes anything otherwise.

10 To the extent this is one example of a
11 one-text response to Ms. Walls, I mean --

12 THE HEARING OFFICER: Can we get through this
13 by my offering the following stipulation: That
14 Mr. Brown has evidence that he did communicate to some
15 extent with Ms. Walls?

16 MR. ANDONIAN: Well, I guess what I would just
17 say is Ms. Walls's testimony establishes that Mr. Brown
18 wasn't completely unavailable but that he was difficult
19 to reach and would be dismissive and short with her. To
20 the extent Mr. Brown is purporting to introduce a text
21 message showing a one-text response to Ms. Walls, I
22 mean, I don't know that it adds anything. But I guess
23 I'd rather have the text message be part of the record
24 rather than a general stipulation. Because I don't know
25 that there is any other evidence beyond this.

1 THE HEARING OFFICER: All right. Mr. Brown,
2 do you have the ability to put the text message up on
3 the screen now, to share screen?

4 MR. BROWN: Yes. So give me a few minutes
5 because I'm a little challenged on technology. So give
6 me a few minutes and I'll put it up on the screen.

7 MR. ANDONIAN: While Mr. Brown is doing that,
8 if I could ask, Mr. La Rue, I know we're about ten
9 minutes away from at least the stated end time. And I
10 might then be running into more of the child care issue
11 than Netflix is able to solve. So I don't know how much
12 more Mr. Brown has.

13 THE HEARING OFFICER: Let's try to get
14 through. We'll make that determination when Mr. Brown
15 comes back on and an assessment as to where we are and
16 what more, if anything, we can get done today.

17 MR. ANDONIAN: Very well. Thank you.

18 THE HEARING OFFICER: All right. The proffer
19 from you, Mr. Brown, is that this -- and we'll mark this
20 for identification at this point as Brown Exhibit O, as
21 in "Oscar."

22 (Charged Party Brown Exhibit O admitted
23 in evidence.)

24 THE HEARING OFFICER: You purport that this is
25 a rebuttal to the testimony that Ms. Walls just gave

1 with regard to communication with you.

2 MR. BROWN: Yes. And my assistants are trying
3 to remind me that I had other rebuttals that I did not
4 articulate to you correctly, Mr. La Rue.

5 THE HEARING OFFICER: What does that mean?

6 MR. BROWN: My assistants are saying that I
7 should have offered rebuttal evidence from the time we
8 started on 90 percent of Anica Walls --

9 THE HEARING OFFICER: Well, I can't do
10 anything with that. It's either here or it's not.

11 What is the date of this text message?

12 MR. BROWN: February 18th, 2022.

13 MR. ANDONIAN: Mr. La Rue, if I could just
14 supplement my response. Just to ensure that we're not
15 missing anything, I would ask if Mr. Brown could send
16 the entire thread. I don't know to what extent this
17 particular part of the exchange either is or isn't
18 within context. To the extent --

19 THE HEARING OFFICER: Ms. Lynch.

20 Go ahead, Mr. Andonian.

21 MR. ANDONIAN: Just to the extent there is
22 context that matters that I'm not aware of, I would just
23 ask Mr. Brown to just send me the full thread.

24 THE HEARING OFFICER: Mr. Brown, please
25 produce the entire thread.

1 MR. BROWN: Okay. But I'll have to take
2 multiple -- it's a long thread.

3 THE HEARING OFFICER: All right. This is what
4 we're going to do since we're at the end of our time for
5 today. We're not going to be able finish. I don't like
6 to stop in the middle of a cross-examination, but we
7 said 5:00 o'clock and people have made plans and there
8 are things that have come up. So we're going to have to
9 recess shortly.

10 In the interim, I would like you to produce
11 for Mr. Andonian and for me the entire text, entire
12 thread of this text.

13 Any problem, Mr. Brown?

14 MR. BROWN: No. It's going to take -- so how
15 soon --

16 THE HEARING OFFICER: Doesn't matter. We
17 won't be coming back together again until August 31st.
18 You have time to get this to both of us.

19 MR. BROWN: All right. So I'll send this
20 entire phone text to everyone so that Ms. Grdina doesn't
21 say I didn't send it to all the parties --

22 THE HEARING OFFICER: Mr. Brown -- Mr. Brown,
23 enough of the aside. Just send the text, please.
24 That's all we need to hear from you.

25 You'll send the text to all of us. I

1 appreciate that.

2 Ms. Walls, in the interim period, you must
3 consider that you are still on the witness stand. That
4 means that you may not have any conversation with
5 Mr. Andonian about your testimony. Because, when we
6 come back on August 31st, we will resume your testimony
7 on cross-examination.

8 Is that understood?

9 THE WITNESS: Understood.

10 THE HEARING OFFICER: You're not to talk to
11 anybody else about this matter between now and
12 August 31st as well.

13 Is that understood?

14 THE WITNESS: Understood.

15 THE HEARING OFFICER: Okay. Thank you.

16 All right. We're going to adjourn for the
17 day, then. We will resume at 10:00 a.m. on August 31st.

18 Are there any questions about how we're
19 closing and what has to happen in the interim?

20 Mr. Brown, do you have any questions about
21 what I've asked you to do?

22 MR. BROWN: No, sir.

23 THE HEARING OFFICER: Mr. Andonian, any
24 questions?

25 MR. ANDONIAN: No questions. Thank you.

1 THE HEARING OFFICER: With that, the hearing
2 is closed for the day. Thank you all for your time.
3 (Whereupon, the proceedings were adjourned
4 at 4:57 p.m.)
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REPORTER'S CERTIFICATE

State of California)
) Ss.
County of Sacramento)

I, ROSE GONI DAVIS, a Certified Shorthand Reporter of the State of California, authorized to administer oaths, do hereby certify:

That I am a disinterested person herein; that the proceedings were reported in shorthand by me, ROSE GONI DAVIS, a Certified Shorthand Reporter of the State of California, and thereafter transcribed using computer-aided transcription and is a true and correct record of the testimony so given.

IN WITNESS WHEREOF, I hereby certify this transcript at my office in the County of Sacramento, State of California, 15th of August, 2022.



ROSE GONI DAVIS, CSR NO. 8760
Certified Shorthand Reporter of
the State of California

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SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE

LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

--oOo--

IN THE MATTER OF THE)
PROCEEDING BETWEEN)
)
MICHAEL GUSS, DISTRICT LABOR)
COUNCIL 794, ANICA WALLS,)
VICE PRESIDENT FOR)
ORGANIZING AND) Amended Internal
DISPUTE REPRESENTATION, SERVICE) 22-02-HR1
EMPLOYEES INTERNATIONAL)
UNION ("SEIU"), LOCAL 1000,) Internal Dispute
SEIU,) 22-03-HR1
)
Charging Parties,) NHO FILE NO.:
) 220316-BROW
-AND-)
)
RICHARD LOUIS BROWN,)
PRESIDENT (SUSPENDED),)
SERVICE EMPLOYEES)
INTERNATIONAL UNION)
("SEIU"), LOCAL 1000, SEIU,)
)
Charged Party.)
)
RE: Disciplinary Charges)
)

--oOo--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WALLS HEARING, DAY 2

Wednesday, August 31, 2022

Pages 334 - 526

**CERTIFIED
TRANSCRIPT**

22-287

Stenographically Reported By:

ROSE GONI DAVIS, CRR/RMR, CSR 8760



D&B DEPOSITION REPORTERS

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SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE

LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

--oOo--

IN THE MATTER OF THE)
PROCEEDING BETWEEN)
MICHAEL GUSS, DISTRICT LABOR)
COUNCIL 794, ANICA WALLS,)
VICE PRESIDENT FOR)
ORGANIZING AND) Amended Internal
DISPUTE REPRESENTATION, SERVICE) 22-02-HR1
EMPLOYEES INTERNATIONAL)
UNION ("SEIU"), LOCAL 1000,) Internal Dispute
SEIU,) 22-03-HR1
Charging Parties,) NHO FILE NO.:
-AND-) 220316-BROW
RICHARD LOUIS BROWN,)
PRESIDENT (SUSPENDED),)
SERVICE EMPLOYEES)
INTERNATIONAL UNION)
("SEIU"), LOCAL 1000, SEIU,)
Charged Party.)
RE: Disciplinary Charges)

--oOo--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WALLS HEARING, DAY 2

Wednesday, August 31, 2022

Pages 334 - 526

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TRANSCRIPT**

22-287

Stenographically Reported By:

ROSE GONI DAVIS, CRR/RMR, CSR 8760

1 APPEARANCES

2 (All parties appearing remotely)

3
4 The Neutral Hearing Officer:

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25 Also Present:

ANICA WALLS, Charging Party

BETTY GRDINA, Neutral Case Adviser
BGrdina@mooneygreen.com

Lisa Mattson, Zoom Host

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WITNESSES:

ANICA WELLS

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EXHIBITS

CHARGED PARTY BROWN

Exhibit P marked for identification	414
Exhibit Q marked for identification	430

1 BE IT REMEMBERED that on Wednesday, August 31,
2 2022, commencing at the hour of 10:15 a.m. PST, via Zoom
3 videoconference, before me, ROSE GONI DAVIS, a Certified
4 Shorthand Reporter of the State of California, the
5 following proceedings took place as hereinafter set
6 forth.

7 ---o0o---

8 THE HEARING OFFICER: Good morning to everyone
9 on the West Coast, and good afternoon to everyone on the
10 East Coast. Let's begin by entering our appearances.

11 Today is August 31st, 2022. My name is Homer
12 La Rue. I am the neutral hearing officer.

13 I'm joined by the neutral case administrator,
14 who will introduce herself at this time.

15 MS. GRDINA: Hello. This is Betty Grdina.
16 I'm the neutral case adviser.

17 THE HEARING OFFICER: And let's begin with
18 appearances of the parties beginning with the charging
19 party, Ms. Walls, and counsel.

20 Please enter your appearance on the record,
21 Ms. Walls. You have to unmute.

22 MS. WALLS: Sorry. I was trying to unmute.
23 Yes, I am here present. Thank you.

24 THE HEARING OFFICER: Can we get your name for
25 the record?

1 Ms. Walls?

2 MS. WALLS: Yes.

3 THE HEARING OFFICER: State your name for the
4 record, please.

5 MS. WALLS: Oh, Anica Walls. And I am here
6 and present. Thank you.

7 THE HEARING OFFICER: Mr. Andonian.

8 MR. ANDONIAN: Hi. Good afternoon. Phil
9 Andonian on behalf of Anica Walls.

10 THE HEARING OFFICER: And charged party Brown,
11 beginning with you and your advisers or assistants.

12 MR. BROWN: Yes. Richard Louis Brown,
13 present.

14 THE HEARING OFFICER: Ms. Lynch, enter your
15 appearance, please. Unmute.

16 If you're in the same room as Mr. Brown, we
17 may be able to hear you if you speak loudly at this
18 point.

19 We cannot. Can you unmute? We cannot hear
20 you. You are muted.

21 Mr. Brown, could you unmute for a moment?

22 MR. BROWN: Yes, sir.

23 THE HEARING OFFICER: Is Ms. Lynch in the room
24 with you?

25 MR. BROWN: No, she's not.

1 THE HEARING OFFICER: Oh. Ms. Lynch, we can't
2 hear you.

3 Lisa, is there something you can do to assist
4 Ms. Lynch getting connected?

5 Mr. Brown.

6 MR. BROWN: She's having problems with her
7 microphone.

8 THE HEARING OFFICER: You're unmuted now,
9 Ms. Lynch. We cannot hear you. We still cannot hear
10 you.

11 THE REPORTER: Can she try dialing in for
12 audio from a phone?

13 THE HEARING OFFICER: Have you tried to dial
14 in on your cell phone for audio?

15 Yes, Mr. Brown.

16 MR. BROWN: She's going to try to re-log back
17 in.

18 THE HEARING OFFICER: Very well.

19 Mr. Roque, please enter your appearance on the
20 record.

21 MR. ROQUE: Derick John Roque, present,
22 assistant to President Brown.

23 THE HEARING OFFICER: Thank you.

24 We'll wait a few moments for Ms. Lynch to sign
25 back in. She's coming in now.

1 Ms. Lynch, you need to unmute, please, and
2 turn on your video.

3 We see you. Let's try audio. Unmute. Look
4 at the bottom left-hand side of your screen, and you'll
5 see a microphone. If there's a line through it, click
6 on the microphone, the line will go away, and we will be
7 able to hear you.

8 MS. LYNCH: Can you hear me now?

9 THE HEARING OFFICER: We can hear you now.

10 State your appearance for the record.

11 MS. LYNCH: Ebie Lynch.

12 THE HEARING OFFICER: You are assistant to...

13 MS. LYNCH: Assistant to President Brown.

14 THE HEARING OFFICER: Very well.

15 This matter is being recorded. And the
16 technical assistance is being provided by SEIU Local
17 1000.

18 We left off the last time, Ms. Walls was under
19 cross-examination by Mr. Brown. That's where we will
20 resume today.

21 Mr. Brown, are you prepared with your further
22 cross-examination?

23 MR. BROWN: Yes, sir.

24 THE HEARING OFFICER: You may -- unless there
25 are any preliminary matters that anyone has to raise.

1 Mr. Andonian, do you have any?

2 Oh, yes. When we left the last time, a
3 document came up during that colloquy, Brown Exhibit O,
4 which consists of nine pages from text messages, I
5 believe.

6 Mr. Andonian, I believe you have a copy of
7 that exhibit.

8 MR. ANDONIAN: Yes, I do.

9 THE HEARING OFFICER: As I indicated in my
10 text message to the parties, the reason that we didn't
11 get started, we did not -- meaning the hearing
12 officer -- did not get a copy. We now have a hard copy
13 before us.

14 Let me just make sure I have what you have.
15 So if you'll both look at what is now being marked as
16 Brown Exhibit O, page 1 has "Anica-Paolo From Brazil,"
17 Friday, February 18th, 6:57 p.m. as page 1.

18 Page 2, going to the text, says "More muddy!
19 Let's talk."

20 Page 3, in the blue text, says "I am not
21 walking it back!" marked as page 3.

22 Page 4, "This will hurt more than help."

23 Page 5 begins "Let's talk tomorrow."

24 Page 6, "I will talk to you and David
25 individually..."

1 Page 7, "Pay the fucken OT."

2 Page 8, "No the TEAM meeting will be
3 Thursday." And that is page 9.

4 My document is consistent with what everyone
5 else has; is that correct?

6 MR. ANDONIAN: Yes, that's correct.

7 THE HEARING OFFICER: Mr. Brown; is that
8 correct?

9 MR. BROWN: Yes, sir.

10 THE HEARING OFFICER: Very well.

11 You may resume your cross-examination.

12 CROSS-EXAMINATION (Resumed)

13 BY MR. BROWN:

14 Q. So I was at question -- the last question was
15 have I ever cursed or threatened you or sent you harsh
16 texts? For Anica?

17 THE HEARING OFFICER: Ms. Walls, yeah, stay
18 unmuted, please.

19 MR. BROWN: I'm sorry.

20 THE HEARING OFFICER: You're okay.

21 Did you hear the question, Ms. Walls?

22 THE WITNESS: I did, yeah.

23 THE HEARING OFFICER: Yes, Mr. Brown.

24 MR. BROWN: Can we have those numbered? I
25 know I saved this as a PDF and I was going to screen

1 share it. And for some reason, this computer is just
2 not acting right this morning. So those nine --

3 THE HEARING OFFICER: Mr. Brown, we may not
4 need to screen share.

5 Ms. Walls, do you have a hard copy of Brown
6 Exhibit O in front of you?

7 THE WITNESS: Not in front of me.

8 THE HEARING OFFICER: You don't.

9 THE WITNESS: I mean, I did go over, you know,
10 the document --

11 THE HEARING OFFICER: Well, no, that's not
12 important.

13 Mr. Andonian, do you have a hard copy?

14 MR. ANDONIAN: I have a hard copy, yes.

15 THE HEARING OFFICER: You have the capability
16 of screen sharing your copy?

17 That's what you want, Mr. Brown; is that
18 correct?

19 MR. BROWN: Yes, sir. What I was going to do
20 is put them on --

21 THE HEARING OFFICER: I just need a "yes" or
22 "no." You need to screen share Exhibit O; is that
23 correct?

24 MR. BROWN: Yes.

25 THE HEARING OFFICER: Mr. Andonian, I'm going

1 to give you -- you can share. Can you put yours up on
2 the screen, please.

3 MR. ANDONIAN: Can everybody see that?

4 THE HEARING OFFICER: We can see it. I'm
5 going to ask you to do double duty. As Mr. Brown moves
6 through this document to various pages, you will scroll
7 to that page on his behalf, please.

8 MR. ANDONIAN: Yes, sir.

9 THE HEARING OFFICER: Thank you.

10 Mr. Brown, proceed.

11 MR. BROWN: Thank you.

12 And thank you, Mr. Andonian.

13 BY MR. BROWN:

14 Q. So when I asked have I ever cursed or
15 threatened you or sent you harsh texts, do you see these
16 text messages in front of you, Anica?

17 A. Yes.

18 Q. In your personal opinion, do you believe that
19 maybe you could have been somewhat harsh in these text
20 messages to me?

21 A. Me harsh to you? Absolutely.

22 Q. All right. Was this the first time that
23 you've ever talked to me in a text like this?

24 A. Most likely not.

25 Q. All right. And if this wasn't the first time,

1 is this the type of language that you and I communicate
2 to each other? Is this our daily type of Local 1000
3 language that leaders talk to each other?

4 A. You and I, yes. I believe that you were used
5 to me speaking and sharing my opinion using some fluffy
6 language on a pretty regular basis. Did I do that in
7 front of our members or publicly? No. But I believe
8 that we did have a more open and -- a more open and kind
9 of what I would consider pretty forthright relationship.
10 And I never really hid how I felt about things with you.

11 Q. All right. Would you say that I allowed you
12 to, quote, "be yourself"? That you didn't have to watch
13 how you talked to me, that I would allow you to just
14 basically -- if you had a bad day, you could express
15 that to me and I would not think that you were being
16 unprofessional?

17 A. Yes. The way you would be with me as well.
18 We had that kind of relationship, yes. Honesty. Brutal
19 honesty.

20 Q. All right. Did I ever send you any texts --
21 THE HEARING OFFICER: Mr. Brown, could you
22 hold one second, please.

23 Ms. Walls, could you adjust your camera so
24 your full face is in the camera. There you are. That's
25 a bit better. And come a little closer. Little closer.

1 There you go. If you can hold that, that's the optimum.
2 Thank you.

3 THE WITNESS: I will do my best. Yeah, I'm
4 sitting on a chair. So my carpal tunnel may get a
5 little weary.

6 THE HEARING OFFICER: Understood. And if you
7 need to take a break, let us know.

8 Go ahead, Mr. Brown.

9 MR. BROWN: Thank you.

10 BY MR. BROWN:

11 Q. So, Anica, you were saying that, you know, you
12 were able to talk to me freely and that you could be
13 yourself on basically good days or bad days.

14 Did I ever send you harsh text messages that
15 would resemble the type of text messages you have sent
16 me?

17 A. Not that I could specifically remember. I
18 think that was about as harsh as me and you got. That
19 was towards the end of us dealing with one another;
20 so -- I don't even think that happened too often.

21 Q. All right. Did I ever send the staff harsh or
22 threatening text messages?

23 A. I would -- I didn't see any, but I was told
24 that you did.

25 Q. All right. Since you were told that I sent

1 some harsh or threatening text messages to staff, do you
2 have any written documentation of that?

3 A. I actually believe I have some documentation,
4 and I think it was submitted into evidence.

5 Phil, you could confirm.

6 But I believe you threatened people's jobs.
7 So, yes, I would consider that threats.

8 Q. So you have phone texts where I threatened
9 someone's job?

10 A. If they spoke to me, yes.

11 Q. If they spoke to you?

12 A. That's correct.

13 Q. Can you produce those phone texts?

14 A. I believe I could muster them up if they're
15 not already -- if Phil doesn't already have them.

16 Q. So you believe but you can't quite confirm
17 that I threatened someone's job through a phone text?

18 A. No. I know -- I have that, where you gave
19 direct and very strict orders to one person specifically
20 that I can think of. But I was told by more than one
21 person that you had regular -- you know, you made many
22 staff, mostly our directors, feel uncomfortable and feel
23 like they had to do certain things or their job would be
24 threatened. And that -- you were careful. It was more
25 verbal than written.

1 Q. All right. So this is basically your opinion
2 that you were told, but you don't have any type of
3 documentation to verify this?

4 A. Only the documentation for one.

5 Q. For one. And what was that person's name?

6 A. I could produce the -- Donna Snodgrass.

7 THE HEARING OFFICER: What was the last name
8 again, please, for the record?

9 THE WITNESS: Snodgrass.

10 THE HEARING OFFICER: Thank you.

11 BY MR. BROWN:

12 Q. Since you believe -- you believe that you
13 think you can produce this text or whatever --

14 MR. ANDONIAN: If I could just interject, if
15 I'm understanding Ms. Walls correctly based on her
16 answers, she's referring to Exhibit U, our Exhibit U.

17 THE HEARING OFFICER: Walls Exhibit U?

18 MR. ANDONIAN: Correct. Which is a text
19 message thread between a lengthy series of text messages
20 between Mr. Brown and Ms. Donna Snodgrass.

21 THE WITNESS: Thank you, Philip.

22 BY MR. BROWN:

23 Q. So if that is the -- okay. So my next
24 question is this. The way Local 1000 is set up, who
25 does the staff work for? Who do they answer to?

1 A. They would report to a chief of staff when we
2 have one, and we did.

3 Q. Okay. And who did the chief of staff report
4 to?

5 A. The president, you.

6 Q. All right. My next question is --
7 The Exhibit U that Mr. Andonian is talking
8 about, is it possible we can bring that up?

9 Okay. Can we go to the next page?

10 THE HEARING OFFICER: Hold on one second. Let
11 us all have it in front of us.

12 All right. We are -- the hearing officer is
13 viewing Walls Exhibit U, as in "uncle."

14 MR. BROWN: All right. Can we go to the next
15 page?

16 THE HEARING OFFICER: The record will reflect
17 this is page 2. It starts at 10:22 a.m., February 18th.
18 BY MR. BROWN:

19 Q. So from what I'm seeing, there is nothing
20 where I'm threatening anyone's job or anything of that
21 nature.

22 THE HEARING OFFICER: Mr. Brown, please ask a
23 question.

24 MR. BROWN: I'm sorry.

25 ///

1 BY MR. BROWN:

2 Q. So can you point to me in here, Anica, where I
3 threatened Donna Snodgrass's job, off of February 18th?

4 THE WITNESS: Philip, can you keep going? It
5 says something -- if I remember it correctly, it was
6 something about that she should not talk to me.

7 MR. ANDONIAN: I'm just going to object. I
8 believe Mr. Brown's question mischaracterized, his
9 earlier question. I think Ms. Walls didn't say that in
10 this text message exchange it was a specific threat
11 against Ms. Snodgrass. It was just generally how
12 Mr. Brown was speaking with her. And in any event, if
13 Mr. Brown is asking the question he is, I think
14 Ms. Walls needs a chance to look at every page of the
15 text. And I'm happy to scroll.

16 THE HEARING OFFICER: Allow the witness --
17 before I rule on the objection, Mr. Andonian, allow the
18 witness to review the entire document.

19 Ms. Walls, take your time, and then let
20 Mr. Andonian know when to scroll.

21 THE WITNESS: Keep scrolling. Keep going.
22 Was that the end? Oh, no, keep going. Hold on. Okay.
23 Keep going. Hold on.

24 There is -- I mean, there is one right there,
25 the one that's crossed out; right? And, yeah, not a

1 direct -- not a direct, but he's basically saying "You
2 need to inform her; you support your boss." "I should
3 not have to say" --

4 Go ahead. Go to the next one.

5 "It has been revised. She needs to inform me
6 who the boss is. I should not have to say this to you.
7 I am disappointed with your actions involving Anica and
8 Joyce."

9 All of that and the way that he says it would
10 have implied that her job was at risk. And, quite
11 frankly -- hold on. Let me see if there is more.

12 "All communications with Anica and I are over.
13 I am the president. Please support my actions."

14 So, you know, he's -- if you know the way
15 Richard works, he was -- those are slight, little hidden
16 nuggets of information he would be dropping.

17 Hold on. Go up. Okay. That's her. Okay.
18 Go ahead. Hold on.

19 "Either be with me or be with Joyce!" There's
20 kind of another -- some more nuggets of "Do what I say
21 or else."

22 Go ahead.

23 "I am going to war with my enemies! Maybe you
24 should walk away from this situation."

25 Go ahead. Hold on. Go ahead. Hold on.

1 Okay. Go ahead. Hold on. Go ahead.

2 "I am not satisfied with your answers or your
3 support of me," when it's a chief of staff. But go
4 ahead. She has a job to do. Let's see.

5 Go ahead. Hold on.

6 MR. BROWN: Wait. I must interject here.

7 THE HEARING OFFICER: What's your objection?

8 MR. BROWN: First, Mr. Andonian said he had
9 text messages for February 18th. Now he's gone into
10 farther days after that.

11 THE HEARING OFFICER: No, that was not the
12 characterization. You had asked a question as to
13 whether or not this witness had any evidence with regard
14 to threatening staff jobs.

15 MR. BROWN: Right.

16 THE HEARING OFFICER: Mr. Andonian then
17 objected to this document as having been
18 mischaracterized by you in your questioning. And then I
19 directed the witness to read this document, and she has
20 now connected this document to her earlier statements
21 that you, Mr. Brown, had made statements that she
22 interprets -- it's for me to determine whether it's true
23 or not -- but she interprets as threats. That's where
24 the testimony is.

25 MR. BROWN: So is she going to read all of

1 these texts? Because when she's skipping over to --

2 THE HEARING OFFICER: If this is all you want,
3 Mr. Brown, you can go on to the next question.

4 MR. BROWN: No. I'm going to stay with this
5 question because I asked did I threaten anyone's job
6 and none of these texts state that.

7 THE HEARING OFFICER: Well, you're making
8 argument now.

9 MR. BROWN: Right. All right. So I'll
10 continue to ask questions. I will continue to ask
11 questions about these text messages, and then I'm going
12 to introduce more text messages to give the broader
13 context of the conversation with Donna Snodgrass.

14 THE HEARING OFFICER: Well, we'll take that as
15 it comes. But at this point, this is where we are.

16 MR. BROWN: Okay. So am I allowed to ask a
17 question, or does she need to continue reading?

18 THE HEARING OFFICER: What is the question you
19 wish to pose to the witness?

20 MR. BROWN: While she's reading through these
21 texts, does it state anywhere in these texts where I
22 threatened someone's job.

23 THE HEARING OFFICER: Asked and answered.
24 That's been the witness's testimony.

25 MR. BROWN: And she said no to that, if I'm

1 correct.

2 THE HEARING OFFICER: No, she did not say no
3 to that.

4 THE WITNESS: No, I did not -- thank you.

5 THE HEARING OFFICER: She said, in her
6 opinion, and she identified texts in this document in
7 which she said she took that as a threat to a staff
8 member's job.

9 MR. BROWN: So me following up, which
10 particular text does it say that her job --

11 THE HEARING OFFICER: She's already identified
12 those, Mr. Brown. It's in the transcript, and you'll
13 have it for your brief.

14 MR. BROWN: Because it doesn't -- okay.

15 THE WITNESS: Okay. Hold on.

16 THE HEARING OFFICER: No, Ms. Walls, hold on.
17 Mr. Brown, do you have a question?

18 Ms. Walls, only answer questions that
19 Mr. Brown poses to you. Do not offer your opinion about
20 a text until Mr. Brown has a question for you.

21 MR. ANDONIAN: Mr. La Rue, could I interject
22 before Mr. Brown. Sorry, not to cut Mr. Brown off.

23 I think we're getting a little bit -- at least
24 I am -- a little bit muddled with where we are with
25 this. Mr. Brown has asked a series of questions that

1 are getting at slightly different points.

2 My understanding of the relevance of looking
3 through the entirety of Walls Exhibit U is because
4 Mr. Brown asked whether or not he ever spoke harshly to
5 staff members. And Ms. Walls, in answering that,
6 offered as an example threatening people's jobs but not,
7 as I understood it, as exclusive evidence of that.

8 To the extent Mr. Brown, then, essentially
9 challenged her to produce any documentation of the harsh
10 speaking to staff, that's what Walls Exhibit U is. And
11 I just want Ms. Walls to have the chance to look through
12 the whole document so she can answer that question.

13 THE HEARING OFFICER: Mr. Brown, do you want
14 to be heard?

15 MR. BROWN: Yes, sir.

16 So I want to go back to that very first area
17 that she said, and I want to question -- I want to make
18 questions off that very first point that she made and
19 said where, quote, "it appeared to her," her opinion,
20 that I threatened Donna Snodgrass's job. Is that
21 possible?

22 THE HEARING OFFICER: That's a different
23 question than what Mr. Andonian is raising at this
24 point. And he's correct in his characterization as to
25 how we got to Exhibit U.

1 And I should have prevented Ms. Walls from
2 saying anything until she had read through, which was my
3 direction, and then turn it back over to you to ask your
4 questions after she's read through it.

5 So I'm going to correct myself at this point
6 and direct Ms. Walls to finish reading this without
7 commentary.

8 MR. BROWN: All right. So is it possible,
9 then, that we could all look through these phone texts?
10 Is that going to take a few minutes? Am I going to be
11 allowed to ask questions after she reads through all of
12 these?

13 THE HEARING OFFICER: Yes, you will.

14 MR. BROWN: Okay, sir.

15 THE WITNESS: Oh, I am away from my bag. Can
16 I go get something to write with? Because if you're
17 going to ask me to go through the whole text and
18 identify --

19 THE HEARING OFFICER: No, Ms. Walls. No.

20 THE WITNESS: Okay.

21 THE HEARING OFFICER: You will have enough
22 specificity to know what Mr. Brown is asking about if he
23 asks about it. You may not take notes.

24 THE WITNESS: Okay.

25 THE HEARING OFFICER: Finish reading with no

1 commentary to the end of this document. Just let
2 Mr. Andonian know when to scroll.

3 THE WITNESS: Okay. Hold on. Okay. You can
4 go up. Go ahead. Go ahead. Hold on. Okay. You can
5 scroll up. Okay. Go ahead. Go up. Go ahead. Go
6 ahead. Go ahead. Hold on. Okay. Go ahead. Go ahead.
7 Hold on. Okay. Go ahead. Okay. Hold on. Go ahead.
8 Go up. Go ahead. Okay. Hold on. Okay. Go ahead. Go
9 ahead. Go ahead. Okay. Go ahead. Okay. Go ahead.
10 That's it; right?

11 THE HEARING OFFICER: Let the record reflect
12 that the witness has reviewed pages 336 through 330 --
13 to 366 of Walls Exhibit U, as in "uncle."

14 Mr. Brown, you may ask about this exhibit or
15 any other questions that you see fit.

16 MR. BROWN: Sorry. I need to unmute myself.
17 BY MR. BROWN:

18 Q. A follow-up question. Can you tell me where
19 in these texts or emails I exclusively said I will
20 terminate you, Anica?

21 A. You didn't. And I alluded -- I never said
22 that.

23 Q. All right. And a follow-up when I asked about
24 harsh texts. In these texts -- all these texts and
25 emails, when it stated I respect unions, did you think

1 that was too harsh?

2 A. No. But there were other parts that were.

3 Q. All right. When I stated in these texts or
4 emails that the chief of staff should support her boss,
5 do you think that was too harsh?

6 A. Yes. She has a job to do. She shouldn't
7 support any one person. She should do her job.

8 Q. All right. That's a great point. So my
9 follow-up question to that is who hired Donna Snodgrass?

10 A. You did.

11 Q. All right. So when someone hires you and
12 they're your boss, do you feel that you should support
13 what they say?

14 A. No. I don't blindly follow anybody.

15 Q. Right. I want to -- I want to make sure I
16 understand this. And I'll say it again for you to
17 answer a second time.

18 When someone hires you and they're your boss,
19 do you believe it's your responsibility to follow what
20 they say?

21 THE HEARING OFFICER: Asked and answered.

22 Please move on.

23 BY MR. BROWN:

24 Q. Of all these texts and emails, do you have any
25 other evidence that states that I tried to terminate or

1 threaten the staff of Local 1000?

2 A. Do I have any other evidence? I believe there
3 were a couple of lawsuits.

4 Q. You believe there were a couple of lawsuits.
5 All right.

6 MR. ANDONIAN: I'm sorry. I'm going to
7 object. Mr. Brown is injecting an element into this
8 that I think is getting tricky. When he's asking
9 Ms. Walls if she has any evidence, I'm not sure what
10 he's referring to.

11 We have submitted evidence in this case that
12 is what it is. I would proffer that there are other
13 examples where Mr. Brown has threatened the jobs of
14 other officers in the Union. I'm happy to explain what
15 that is now. I'm not trying to craft Mr. Brown's cross
16 for him, but I think we're getting a little bit confused
17 when he's asking Ms. Walls what she has as opposed to
18 what we have submitted as record evidence in this case.

19 THE HEARING OFFICER: Mr. Brown, you'll be
20 heard.

21 MR. BROWN: Yes. So what I'm trying to do is
22 I'm not trying to be tricky. I don't have a law degree.
23 I'm just asking straightforward questions. And when I
24 was trying to do a follow-up question about she said she
25 doesn't follow anyone blindly, what I'm asking her is,

1 in your mind, that when you work in the organization and
2 you have a boss, do you follow the rules --

3 THE HEARING OFFICER: No, Mr. Brown. I have
4 to -- Mr. Andonian's point was that you asked whether
5 Ms. Walls had any other evidence. The evidence that
6 Ms. Walls has is in the record. It is for you to rebut
7 that to the extent that you think that it is accusatory
8 of you. It is not for her to produce anything outside
9 of this record. I can't look at anything outside of
10 this record. That's what I'm confined to.

11 The purpose of your cross-examination is to
12 rebut, if you can, the evidence that Ms. Walls has
13 presented to this hearing officer in this record.

14 MR. BROWN: And so what I'm asking is -- and
15 my question is she said she had other evidence. What
16 other evidence is she referring to? That's my question
17 to Anica.

18 THE HEARING OFFICER: Again, I'm only
19 referring -- the only evidence that I'm looking at is
20 the evidence that has already been submitted by all the
21 parties and I admitted into this record. If there is
22 something specific you want to rebut, please do so.

23 BY MR. BROWN:

24 Q. All right. So the original question, have I
25 ever cursed or threatened you or sent harsh texts?

1 THE HEARING OFFICER: Asked and answered.

2 MR. BROWN: Right. So I'm asking Anica for
3 clarity. If I can't ask her about other information
4 that she alludes to because she hasn't entered it into
5 evidence, I can only talk about these things, then I
6 want to go slide by slide and ask her on this particular
7 text or email, where did I threaten someone's job.
8 That's what I want to do, to ask these questions, to
9 clearly show that there is no implicit or explicit words
10 used to state that I was threatening someone's job.

11 THE HEARING OFFICER: Mr. Brown, please
12 understand the difference between argument and eliciting
13 facts from the witness. What you're doing now is making
14 the argument that you're going to be making in your
15 brief. You're going to argue that Ms. Walls says that
16 you made threatening remarks, and it's going to point to
17 various documents in this record to support that.

18 You're going to look at that same evidence in
19 your brief and say, "This doesn't support Ms. Walls's
20 testimony." That's argument. That's not -- this is not
21 the time to make argument.

22 MR. BROWN: All right. So I understand what
23 you're saying, sir. All I'm trying to do is get
24 clarification on how she formed her opinion about these,
25 quote, "harsh texts" that I asked her about. That's

1 what I'm attempting to do. I'm not trying to argue.
2 I'm trying to ask these questions so she can clearly
3 answer more directly.

4 THE HEARING OFFICER: It's immaterial to me
5 how she arrived at that opinion. That's her opinion. I
6 will have to determine whether there is any evidence to
7 support it or not.

8 MR. BROWN: All right, sir.

9 BY MR. BROWN:

10 Q. All right. I want to come back to this later,
11 but I want to move on to the next question.

12 And so my next question is did Vice President
13 David Jimenez, has he ever dismissed HR1 charges for
14 being frivolous?

15 THE HEARING OFFICER: That was asked and
16 answered in the last hearing by you.

17 MR. ANDONIAN: May I stop screen sharing? I'm
18 sorry.

19 THE HEARING OFFICER: Yes, you may.

20 Mr. Brown, you don't need this document up any
21 longer; correct?

22 MR. BROWN: Not at this time. No, sir.

23 THE HEARING OFFICER: Yes, Mr. Andonian.
24 Thank you for reminding me.

25 Your next question, Mr. Brown.

1 MR. BROWN: She stated that I answered that
2 question?

3 THE HEARING OFFICER: You asked that question
4 at the last hearing, and it was answered.

5 MR. BROWN: It was answered by Anica?

6 THE HEARING OFFICER: Correct.

7 BY MR. BROWN:

8 Q. All right. When I -- okay. Were you able,
9 Anica, to call board of directors, the members of the
10 board, as witnesses to collaborate [sic] your opinions?

11 A. Am I able to?

12 THE HEARING OFFICER: Do you understand the
13 question? Do you understand the question, Ms. Walls?

14 Ms. Walls, you are not to ask questions of
15 Mr. Brown. If you do not understand the question,
16 please state you don't understand and we'll try to get
17 it clarified. But please do not get into a
18 back-and-forth questioning Mr. Brown.

19 THE WITNESS: Can you repeat the question?

20 MR. BROWN: Yes.

21 And before I repeat the question, did
22 Mr. Andonian send those texts to everyone that he put
23 up? Because I sent him all the texts, but did he send
24 it to everyone for today?

25 THE HEARING OFFICER: Mr. Brown, I don't know

1 what you're referring to. Are you referring to O,
2 Exhibit O?

3 MR. BROWN: Yes, sir.

4 THE HEARING OFFICER: It was your obligation
5 to send it to Mr. Andonian and to the hearing officer.
6 As I said at the outset, before we started the
7 cross-examination, it was not sent to the hearing
8 officer, but we currently have Exhibit O. I went
9 through each one of those nine pages to ensure that all
10 of us had the same thing.

11 MR. BROWN: All right.

12 THE HEARING OFFICER: So the short answer is,
13 yes, we have them.

14 MR. BROWN: All right. So I'll repeat the
15 question to Anica.

16 BY MR. BROWN:

17 Q. Were you able to call members of the board as
18 witnesses to collaborate your opinions about my
19 leadership?

20 A. I guess I'm --

21 Mr. La Rue?

22 THE HEARING OFFICER: Yes.

23 THE WITNESS: I appreciate and I respect that
24 you don't want me asking questions back, but maybe it's
25 in the way he's asking the question, because am I able

1 to --

2 THE HEARING OFFICER: All you need to say is
3 "I don't understand the question."

4 THE WITNESS: It's not that I don't understand
5 it. Like, "able" and "did I," those are two different
6 things; right? I can make a call anytime. Did I? No.

7 MR. ANDONIAN: If I could interject, I'm also
8 going to object to the extent Mr. Brown is asking
9 questions that might encroach on the attorney-client
10 privilege. To the extent what he's asking about is
11 strategy decisions about which witnesses were or weren't
12 called, that's not appropriate for questioning.

13 THE HEARING OFFICER: He hasn't gotten that
14 far yet, Mr. Andonian. All he asked is did she make --
15 did she or would she. And Ms. Walls is correct.

16 Which one of those do you want to know,
17 Mr. Brown?

18 THE WITNESS: Right. Thank you.

19 THE HEARING OFFICER: Did she, in fact, call
20 them? Is that what you want to know? You used the word
21 "able."

22 MR. BROWN: So I'll rephrase the question.

23 BY MR. BROWN:

24 Q. Did you call different board members to be
25 witnesses to this HR1 hearing?

1 A. No.

2 Q. And so my follow-up question is why not?

3 MR. ANDONIAN: Objection. This is getting
4 potentially into privilege.

5 THE HEARING OFFICER: Mr. Brown, do you
6 understand what the attorney-client privilege is?

7 MR. BROWN: Yes, sir.

8 THE HEARING OFFICER: You're asking for
9 Ms. Walls to communicate --

10 Well, Mr. Andonian, on second thought, I don't
11 think we have encroached there yet. Because if
12 Ms. Walls knows this, then there was no attorney-client
13 privilege.

14 MR. ANDONIAN: Well, how about this, if I can
15 state the objection in the following terms.

16 I'm objecting to the extent this question
17 calls for an answer that would reveal privileged
18 information. So if Ms. Walls can answer it without
19 disclosing confidential or privileged communications
20 with me, then that's fine. To the extent she can't, I
21 would object.

22 THE HEARING OFFICER: Okay. If your objection
23 is based upon your communication with Ms. Walls, I
24 understand it now. Thank you for that clarification.

25 Ms. Walls, your instruction is to respond to

1 the question except to the extent that you may have had
2 communications with Mr. Andonian in the preparation for
3 this matter. That is privileged.

4 Do you understand that distinction?

5 THE WITNESS: So I believe so. That would be
6 why I answered no. I did not make any calls to any
7 board members to be, you know, witnesses in this
8 hearing. No.

9 BY MR. BROWN:

10 Q. So let me be more direct. Did any board
11 members reach out to you, Anica, to collaborate -- or
12 substantiate your claims regarding my leadership for
13 this HR1? Or was this purely just your own
14 individual --

15 THE HEARING OFFICER: No, no --

16 MR. BROWN: I'm sorry. That's double
17 compound.

18 THE HEARING OFFICER: One question at a time.

19 THE WITNESS: So, again, Mr. La Rue, this is a
20 tricky answer for me because, technically, the executive
21 team is a part of the board. So my answer would have to
22 be yes.

23 THE HEARING OFFICER: That's all you need to
24 say. You need not go any further.

25 THE WITNESS: Okay.

1 BY MR. BROWN:

2 Q. So the follow-up, if different board members
3 reached out to you because they want to substantiate
4 your claims, why were they not called as witnesses?

5 THE HEARING OFFICER: Now you've encroached on
6 the attorney-client privilege.

7 MR. BROWN: All right. All right.

8 THE HEARING OFFICER: Or about to and,
9 therefore, I'm not going to permit the witness to answer
10 that question.

11 BY MR. BROWN:

12 Q. Can you further give us three examples, Anica,
13 when you said about the problems the staff had working
14 for the former Local 1000 president?

15 MR. ANDONIAN: Objection. Relevance.

16 THE HEARING OFFICER: Mr. Brown, I'll hear
17 your response to the relevance objection.

18 MR. BROWN: So I'm going to tell you the
19 relevance is this: The same thing that Anica is stating
20 about my leadership, the staff worked under the former
21 president with no problem. But yet some of her
22 leadership techniques or styles are similar to mine.

23 THE HEARING OFFICER: Go ahead. Finish your
24 statement.

25 MR. BROWN: So what I'm trying to figure out,

1 what I'm asking Anica is can you talk about the staff
2 and the problems that you had working with staff under
3 the former president? That's what I'm trying to find
4 out, three examples.

5 THE HEARING OFFICER: I'm going to permit part
6 of this, because you went over this in your earlier
7 cross-examination of this witness. And she identified
8 some of it. It will be easier --

9 Ms. Walls, can you identify three instances of
10 problems with the former president?

11 THE WITNESS: Well, I believe he's asking for
12 problems with staff or me having trouble dealing with
13 staff under Yvonne? Which one is it?

14 THE HEARING OFFICER: Distinction well made.

15 Mr. Brown, which is it that you want to know?

16 BY MR. BROWN:

17 Q. So the first question is what problems did you
18 have working with staff under the former president?

19 A. Many. Staff was -- staff was instructed not
20 to work with me for the most part.

21 Q. Do you know why they were instructed to not
22 work with you?

23 A. I was considered opposition.

24 Q. And why were you considered opposition to the
25 former president?

1 A. Because I thought there -- I thought there
2 were things that could be done differently and benefit
3 our members more positively. And the ideas that I had
4 were not well supported by the leadership at the time.
5 Therefore, it was not implemented or listened to.

6 Q. So I want to clarify this. Under the former
7 president, the staff was told to not work with you; is
8 that correct?

9 A. That's what I just said. Yes.

10 Q. Did the staff have problems working for the
11 former president?

12 A. Some did.

13 Q. All right. Do you have any written
14 documentation from the staff when they worked for the
15 former president when she threatened their jobs?

16 A. I actually would have gotten rid of all that
17 when you became president because I no longer had to
18 deal with Yvonne. So I got rid of all the evidence that
19 I would have had.

20 Q. All right. Which leads into the next
21 question. When did you first run for Local 1000
22 statewide office?

23 A. I believe it was in 2015.

24 Q. All right. And do you remember what your
25 banner was or your campaign, your slate members, you

1 know, your slogan?

2 A. I feel like I want to interject for Phil and
3 say relevance. I don't see what this has to do with any
4 of --

5 THE HEARING OFFICER: Ms. Walls -- Ms. Walls,
6 please.

7 THE WITNESS: Sorry.

8 THE HEARING OFFICER: Stay in your role.

9 Mr. Brown, I'm going to raise the objection.
10 I don't understand where this is going in helping me
11 make a decision. Let's move on. Let's move on.

12 MR. BROWN: All right. Because it will come
13 up. All right.

14 BY MR. BROWN:

15 Q. Next question, going back to the former
16 president --

17 THE HEARING OFFICER: Ms. Lynch, are you
18 using -- are you taking screenshots?

19 MS. LYNCH: No, sir. I'm just -- it's hard
20 for me to type. So in order to communicate, because
21 we're no longer in the same room, I'm just talking into
22 the phone to send text messages. But I'm showing it so
23 that you guys can see I'm doing it.

24 THE HEARING OFFICER: Very well. You know the
25 rule is no screenshots at all in the hearing room.

1 MS. LYNCH: Yes, sir. I'm not screenshotting
2 anything. Like I said, I'm just-text messaging.

3 THE HEARING OFFICER: Mr. Brown, proceed.

4 MR. BROWN: Yeah. What she's trying to do,
5 she's not trying to interfere with the proceedings --

6 THE HEARING OFFICER: Mr. Brown, proceed,
7 please. Proceed.

8 BY MR. BROWN:

9 Q. All right. Did you ever offer suggestions to
10 the former Local 1000 president on how to run day-to-day
11 operations for the Union?

12 A. Yes.

13 Q. Did she accept your suggestions?

14 A. Not typically.

15 Q. Can you give us an example -- can you tell us
16 why she would not accept your suggestions on how to run
17 the Local 1000 operations, day-to-day operations?

18 MR. ANDONIAN: I'll object again on relevance
19 grounds.

20 THE HEARING OFFICER: And you're asking for
21 her to summarize what is in somebody else's mind.

22 MR. ANDONIAN: Yes, that too. Thank you.

23 THE HEARING OFFICER: Move on.

24 BY MR. BROWN:

25 Q. All right. Do you have any video evidence of

1 me planning on going to the Local 1000 headquarters
2 building on March 5th?

3 A. No.

4 Q. Do you have any evidence at all of where I was
5 planning to go to the building on March 5th?

6 A. No.

7 Q. Okay. All right. And did you have any verbal
8 conversations with anyone that stated that I was going
9 to go to the board -- to the Local 1000 building on
10 March 5th?

11 A. That's another tough question to answer. I
12 knew you wanted to go to the board meeting. So, you
13 know, I just don't think you didn't know that it wasn't
14 happening in person. So, yeah, I think I expected you
15 to try and find the meeting, even though you didn't know
16 where the meeting -- or how the meeting was happening;
17 so...

18 Q. Okay. So here's a follow-up question, then.
19 You said that you knew I went to go to the board meeting
20 on March 5th.

21 The March 5th board meeting, did I call for
22 that meeting?

23 A. No.

24 Q. So my follow-up question is, if I didn't call
25 for the meeting, then why would I want to go to a

1 meeting I didn't call for?

2 A. Because of what was going to be discussed.

3 Q. Right. Okay. So you said that I went to go
4 to the meeting on March 5th. Can you provide any type
5 of written documentation where I informed you or anyone
6 else that I wanted to go to the meeting on March 5th?

7 A. No.

8 Q. So this is just your personal opinion?

9 A. No -- yes. Let's say yes. Because yeah.
10 Sure, it was my opinion. Yes. I had heard that you
11 wanted to go to the board meeting. I don't remember who
12 I heard it from. But I definitely remember that being a
13 conversation.

14 Q. All right. You stated in your August 8th
15 testimony that I'm always transparent and I tell people
16 what I'm doing on video.

17 Do you still remember saying that?

18 A. Yes. I remember you wanting to go to the
19 board meeting. I don't remember whether you said that
20 on one of your Zoom meetings or who --

21 THE HEARING OFFICER: That's a different
22 question.

23 Ms. Walls --

24 THE WITNESS: Okay.

25 THE HEARING OFFICER: Could the reporter

1 please read the question back again. Listen carefully.
2 I think you were answering a different question.

3 (Record read.)

4 THE WITNESS: Oh, thank you, Mr. La Rue.

5 I have a bad memory. No. But it sounds like
6 something I would say. Yeah.

7 BY MR. BROWN:

8 Q. So is that a "yes"?

9 THE HEARING OFFICER: Yes, either you recall
10 it or you don't recall it.

11 THE WITNESS: Okay. So, specifically, no, I
12 don't remember exactly saying that.

13 BY MR. BROWN:

14 Q. All right. Do you have any video evidence --
15 wait. Let me go back and ask this question so I can go
16 into this question.

17 Do you remember on August 8th saying that you
18 watched all of my videos?

19 A. Yes. I missed last week's.

20 Q. All right. So I'm going to ask this question.
21 Do you have any video evidence of me planning on going
22 to the Local 1000 headquarter's building on March 5th?

23 A. No. I definitely don't save your videos.

24 Q. In your opinion, how many videos have I done
25 discussing my ideas, actions, and plans for Local 1000?

1 A. You did them just about every day until you
2 got elected. And then they were, I believe, every day,
3 sometimes twice a day. And I don't remember when that
4 stopped.

5 Q. All right.

6 A. Now it's more like once a week.

7 Q. All right. So is it fair to say that I did
8 videos on the regular to inform Local 1000 what I was
9 thinking and my direction for the Union and what I was
10 going through?

11 A. Yes. Yes. You didn't always tell the full
12 picture, though.

13 Q. All right. So my next question is -- I'm
14 going to clarify this. Correct, you don't remember me
15 ever doing a video stating I was going to the building
16 on March 5th to attend a board meeting that I didn't
17 call for?

18 A. Yeah, I don't remember that you did -- yeah,
19 I'm pretty sure you didn't say that on video.

20 Q. All right. Sticking with the video theme, did
21 you watch my March 5th video with Sac Bee?

22 A. I think eventually I did.

23 Q. Do you remember what I said in that video?

24 A. No.

25 Q. So I'm going to clarify this. You don't

1 remember nothing I said in that March 5th video with
2 Sac Bee?

3 A. No. There was a lot going on.

4 Can we have a potty break, Mr. La Rue?

5 THE HEARING OFFICER: Yes, we may.

6 Let's take a 15-minute break. I have 2:15
7 here. Let's be back at the half hour.

8 MR. BROWN: Thank you.

9 THE HEARING OFFICER: Let this be a standing
10 order. If you need a break and I haven't called one,
11 please feel free to ask.

12 Remember, turn your cameras off. Turn your
13 videos off. Remove yourself from the area where those
14 are if you're going to have conversations.

15 See you on the six -- s-i-x, six.

16 (Break taken.)

17 THE HEARING OFFICER: Okay. We're back on the
18 record, please. The time is 2:30 Eastern time.

19 Mr. Brown, do you have an estimate how much
20 longer you'll be on cross of this witness?

21 MR. BROWN: Yes. I have a lot of questions.
22 So it's going to be at least four or five hours.

23 THE HEARING OFFICER: Please cut down the
24 repetition as much as possible because we still have the
25 rest of your case to hear.

1 Go ahead.

2 MR. BROWN: All right. So I would like to
3 introduce as rebuttal evidence to Anica stating that I
4 had planned on going on March 5th a short video that I
5 did on -- a live interview on that March 5th so she can
6 tell us where in the video I stated I was planning on
7 coming to the building.

8 MR. ANDONIAN: Objection. I think that
9 misstates her testimony. I think she explicitly said
10 she did not see any video evidence.

11 THE HEARING OFFICER: Correct.

12 MR. BROWN: No, what I'm saying is she stated
13 that I intended to go to the building on March 5th and
14 go to the board meeting. And this video is the rebuttal
15 to that.

16 THE HEARING OFFICER: All she said was she
17 heard it from someone. She couldn't identify from whom
18 she heard it. That was her testimony.

19 MR. BROWN: Okay. So am I allowed introduce
20 this video --

21 THE HEARING OFFICER: Objection sustained.
22 Objection is sustained. You may not.

23 BY MR. BROWN:

24 Q. Follow-up question, Anica. Do you remember me
25 doing a video on March 5th with Sac Bee?

1 A. Specifically with Sac Bee, I don't remember,
2 Richard.

3 Q. Do you remember me talking on video about a --
4 wait. I'm sorry. Let me rephrase this.

5 THE HEARING OFFICER: Excuse me, Mr. Brown.
6 Just to clarify the record -- I want to make sure the
7 record is clear with regard to the name. Is it Sach,
8 S-a-c-h? Please spell the name for the record.

9 MR. BROWN: Yes, sir. It's called Sac Bee --
10 S, as in "Sam," -A, as in "alpha," -C, as in "Charlie,"
11 B, as in "boy," -E, as in "echo," -E, as in "echo."
12 Sac Bee.

13 THE HEARING OFFICER: Thank you.
14 BY MR. BROWN:

15 Q. Anica, do you have the criminal report from
16 March 5th that stated I was trespassing on Local 1000
17 headquarter's property?

18 A. No, I don't have it.

19 Q. Did anyone ever tell you there was a criminal
20 report filed on me by Local 1000 for trespassing on
21 March 5th?

22 A. Yes.

23 Q. All right. So do you have the evidence of
24 that criminal report?

25 A. I don't have it.

1 Q. All right. Did any staff tell you that they
2 filed a criminal report on me for trespassing on
3 March 5th?

4 A. Yes. There was trespassing filed against you
5 for March 5th.

6 THE HEARING OFFICER: Let's clarify the
7 record. The question was, Ms. Walls, I think a little
8 different than that which you answered.

9 Could the reporter please read Mr. Brown's
10 question to Ms. Walls.

11 Listen carefully.

12 (Record read.)

13 THE WITNESS: No.

14 Wait. I'm sorry. Yes. Yeah. So --

15 THE HEARING OFFICER: Did staff tell you. Did
16 any staff tell you is the question.

17 THE WITNESS: So the simple answer to that
18 would be yes.

19 BY MR. BROWN:

20 Q. All right. So let me be more -- let me
21 clarify this. Did staff file a police criminal report
22 against me on March 5th?

23 THE HEARING OFFICER: Objection to the
24 question because you're asking the witness what someone
25 else did, and there is no foundation for this witness

1 having knowledge about that. She has testified that she
2 was told by staff, but there is no evidence of anything
3 else.

4 MR. BROWN: All right. So let me clarify this
5 with her.

6 BY MR. BROWN:

7 Q. Did Anica Walls file a police report for
8 criminally trespassing on March 5th?

9 A. I personally did not file a police report.

10 Q. All right. Did the executive committee file a
11 police report for criminally trespassing on March 5th?

12 A. I don't know whose exact name was on it or who
13 exactly filed it.

14 Q. All right. Did Local 1000 file a TRO against
15 me for March 5th?

16 A. Yes.

17 Q. Did Local 1000 -- when they filed the TRO, was
18 that filed in the Sacramento Superior Court?

19 A. I believe so.

20 Q. All right. So when they filed that, when did
21 the judge make a ruling to decide if it was, quote,
22 "trespassing" or not?

23 A. I don't remember the exact date, Richard.

24 Q. Okay. That's fine.

25 When the police were called on March 5th, was

1 I arrested?

2 A. Not that I'm aware of.

3 Q. All right. Did anyone tell you that on
4 March 5th I was arrested by the police for criminally
5 trespassing on Local 1000 property?

6 A. No.

7 Q. Was it ever reported that I had criminally
8 trespassed and been arrested on March 5th by Local 1000
9 or the news media?

10 A. I believe that you were accused of
11 trespassing. I don't believe you were accused of being
12 arrested.

13 Q. All right. You remember the TRO that stated I
14 had to leave Local 1000 headquarters in the afternoon on
15 March 10th?

16 A. Yes. There was an order issue.

17 Q. But to clarify, prior to that issue, I had not
18 been arrested, I had not been charged with criminal
19 trespassing?

20 A. I don't think so.

21 Q. All right. Do you remember anyone -- or do
22 you remember Local 1000 stating that this was a civil
23 matter and that it was not a criminal matter?

24 A. If I remember correctly, that was one of the
25 judge's decisions in the beginning.

1 THE HEARING OFFICER: Ms. Walls, it's very
2 necessary for you to listen to the question carefully
3 and answer that question.

4 Would the reporter please read Mr. Brown's
5 question once again.

6 (Record read.)

7 THE WITNESS: Right. And so that's why I
8 responded the way I did, Mr. La Rue.

9 THE HEARING OFFICER: But the question is --
10 the subject is Local 1000, not the judge.

11 THE WITNESS: So the answer would be no, then.
12 My apologies.

13 BY MR. BROWN:

14 Q. All right. Do you remember, Anica, anyone
15 being arrested for criminally trespassing on Local 1000
16 property on March 5th?

17 A. No.

18 Q. Do you remember Local 1000 sending out an
19 email to all represented employees telling them that
20 people had been arrested for criminally trespassing on
21 March 5th?

22 A. No, I don't remember.

23 Q. Do you remember any emails that Local 1000
24 sent out regarding the March 5th civil incident?

25 A. I remember emails being sent out. I don't

1 remember what exactly they said.

2 Q. Sorry. All right.

3 And I want to clarify that you were not there
4 for the March 5th through March 10th civil incident at
5 Local 1000 headquarters?

6 A. I was there on the last day when you walked
7 out.

8 Q. All right. Do you remember Local 1000 saying
9 that it had been a breaking and entering by me on
10 Facebook regarding March 5th?

11 A. No.

12 Q. Do you remember chief counsel Anne Giese
13 having a conversation with you about a meeting she had
14 with me on March 5th?

15 A. Yes.

16 Q. Do you remember her stating that an email was
17 supposed to go out stating there was no break-in, that
18 this was just a civil matter?

19 A. No.

20 Q. Do you remember her stating that she had wrote
21 a statement regarding March 5th in my presence?

22 A. I believe so.

23 Q. Do you remember her --

24 THE HEARING OFFICER: Ms. Walls, it's really
25 important for us to know whether or not you recall or

1 not. When you say "I believe so," does that mean you
2 recall or does that mean you think you recall, or are
3 you speculating? The latter two are inappropriate. If
4 you recall, you recall.

5 THE WITNESS: Okay. So even if I think I do,
6 so you want me to answer that as no because that's
7 speculation? So then no.

8 THE HEARING OFFICER: Correct.

9 THE WITNESS: Gotcha.

10 MR. BROWN: So, Mr. La Rue, is it possible
11 that I can put up a picture where it stated on SEIU
12 Local 1000 on Facebook that it had been a breaking in
13 for Local 1000 as a rebuttal to what she said?

14 THE HEARING OFFICER: It's irrelevant. She
15 said no, she doesn't recall.

16 MR. BROWN: All right. It's in the picture.
17 Okay.

18 BY MR. BROWN:

19 Q. Do you remember -- do you remember Anne Giese
20 telling you that she was able to freely come into the
21 building and that she had a conversation with me and she
22 left --

23 THE HEARING OFFICER: One question. Don't
24 compound.

25 ///

1 BY MR. BROWN:

2 Q. So first part of the question. Do you
3 remember Anne Giese telling you she was able to come
4 inside the building and have a conversation with me in a
5 peaceful manner?

6 THE HEARING OFFICER: You're compounding.
7 There is an "and" in there. No ands.

8 BY MR. BROWN:

9 Q. All right, Anica. Do you remember Anne Giese
10 coming peacefully inside the building? Stop.

11 A. No. My recollection is a little bit
12 different. She didn't feel much peace.

13 THE HEARING OFFICER: The answer is no.

14 THE WITNESS: Sorry. No.

15 THE HEARING OFFICER: Go on, Mr. Brown.

16 BY MR. BROWN:

17 Q. Do you remember Anne Giese leaving the
18 building peacefully on March 5th?

19 A. No.

20 Q. Do you remember? On March 5th, did the police
21 have to escort Anne Giese into the building?

22 A. I don't know.

23 Q. Do you remember the police having to come
24 inside the room and regulate the conversation I had with
25 Anne Giese?

1 THE HEARING OFFICER: Mr. Brown, are we
2 talking about the day in which this witness testified
3 that she was on-site with --

4 Ms. Walls, please.

5 This witness has testified that during this
6 whatever disturbance was, she was there only on the last
7 day when you left. You are now referring to March 5th,
8 which I understand from this record was the first day of
9 this incident. This witness has already testified she
10 wasn't there.

11 MR. BROWN: Yes, sir. And I'm trying to show
12 the relevance that she used that as part of her
13 allegations. In her allegations it says --

14 THE HEARING OFFICER: Argument, then.
15 Argument.

16 MR. BROWN: I'm sorry. Okay.

17 BY MR. BROWN:

18 Q. Next question. Did you ever change your work
19 schedule from your requested telework policy that you
20 and the other VPs was granted from me?

21 A. Restate that question.

22 Q. I'm sorry. Did you ever change your telework
23 policy that you and the other two VPs was granted from
24 me on day one?

25 THE HEARING OFFICER: "Day one" being?

1 MR. ANDONIAN: Objection. Relevance.

2 THE HEARING OFFICER: I'll hear your statement
3 to the objection, Mr. Brown.

4 MR. BROWN: My statement to the objection is
5 that she claims I was self-interested and I was
6 self-absorbed. The three VPs -- I'm sorry.

7 THE HEARING OFFICER: What's the relevance to
8 this?

9 MR. BROWN: The relevance is to show that I
10 was working with Anica Walls and that the former
11 president would not work with her at all, but I was
12 willing to work with her. So that's the relevance of
13 it, to show --

14 THE HEARING OFFICER: That question is too far
15 afield. You can ask in that area, but that question
16 doesn't produce anything that's going to help me decide
17 the validity of these charges.

18 BY MR. BROWN:

19 Q. Can you please discuss why I did not have the
20 October 16th and 17th, 2021, board of directors meeting?

21 A. I think there were multiple reasons.

22 Q. Can you give me --

23 THE HEARING OFFICER: Hold on. We're doing it
24 again. You're asking this witness to testify about your
25 reasons for doing something without any foundation that

1 she would know those reasons. She can't do anything but
2 speculate. Go on to your next question.

3 BY MR. BROWN:

4 Q. Does the budget committee make decisions
5 regarding the budget for Local 1000?

6 A. Some.

7 Q. All right. Can you give us an example of some
8 of the budget committee decisions regarding the budget
9 for Local 1000?

10 A. So one of the things that has recently been
11 implemented is that the budget committee reviews all of
12 the credit card statements for the officers. And so
13 that's one of the -- that's an example of one of the
14 things they do review and ask questions about.

15 Q. Do you remember why the issue of the credit
16 cards even came up?

17 A. Yes.

18 Q. Can you tell us why the issue of the credit
19 cards came up?

20 A. Because people questioned how members' dues
21 were being spent.

22 Q. So you don't remember the video where a person
23 was asking me how I was spending money on the credit
24 card?

25 A. Specifically, no, Richard.

1 Q. All right. And so -- all right. So you
2 answered that.

3 Do you remember the video where I listed all
4 credit card charges by the statewide officers going all
5 the way back to as far as 2013?

6 A. Yes. I remember you doing that.

7 Q. Do you remember people having problems with
8 the way money had been spent in the past on the credit
9 cards?

10 A. Yes, I do.

11 Q. Do you remember the members' concern
12 about an \$1800 gift to the former
13 vice president/secretary-treasurer Theresa Taylor in
14 2018 given by the former president?

15 A. Yes, I remember.

16 Q. All right. And when I say the former
17 statewide vice president/secretary-treasurer Theresa
18 Taylor, she is the current -- let me make sure I'm
19 asking this question -- is she the current DLC 786
20 president?

21 A. I believe she still is.

22 Q. All right. Do you recall members having
23 concerns about the former president going to Israel,
24 over a \$5,000 trip?

25 MR. ANDONIAN: Objection. Relevance.

1 THE HEARING OFFICER: Mr. Brown, we're off --
2 this is not relevant to these. What the former
3 president did or misdeeds may have occurred isn't
4 relevant to my consideration in this matter.

5 BY MR. BROWN:

6 Q. All right. Do you remember why I decided to
7 pay off the three buildings -- \$6 million in total was
8 owed on the three buildings for Local 1000. Do you
9 remember why I decided to pay that debt off? So we
10 would be debt free for Local 1000?

11 A. I think you're asking me to speculate again.

12 THE HEARING OFFICER: Ms. Walls, if you have
13 no basis, you don't know. That'll be easier and faster.

14 THE WITNESS: I don't know.

15 BY MR. BROWN:

16 Q. Do you think the decision that was made to pay
17 off that \$6 million was a good financial decision for
18 Local 1000? Because it's under my leadership to show
19 financial responsibility.

20 THE HEARING OFFICER: Mr. Brown, let her
21 answer the question that you first asked.

22 MR. BROWN: Yes, sir.

23 THE HEARING OFFICER: Do you think the payoff
24 was a good idea, Ms. Walls?

25 THE WITNESS: Yes, I do.

1 THE HEARING OFFICER: Next question,
2 Mr. Brown.

3 BY MR. BROWN:

4 Q. Do you remember different board members having
5 problems with the building being paid off -- the
6 buildings being paid off?

7 A. I do.

8 Q. Did the budget committee have any influence on
9 my financial decision to pay off that \$6 million?

10 A. I believe they did, yes.

11 THE HEARING OFFICER: You either know they did
12 or you are speculating. Which is it?

13 THE WITNESS: Yes, I believe they did.

14 BY MR. BROWN:

15 Q. Do you remember having any conversations with
16 the budget committee about the payoff of that
17 \$6 million?

18 A. I remember having a conversation with David
19 but not the committee.

20 Q. Did David ever tell you that the budget
21 committee conversations were confidential information?

22 A. Yes.

23 Q. So when David talked to you about the payoff
24 of the building of \$6 million, he never stated that that
25 conversation was kept confidential within that meeting,

1 between those individuals?

2 A. I believe we had our conversation after the
3 building was already, like, paid off.

4 Q. Did that conversation take place before the
5 board meeting on December 19th?

6 A. I don't remember.

7 Q. All right. So just to be correct, you don't
8 remember David ever saying that the conversations within
9 the budget committee meetings were confidential
10 information?

11 A. That's not what I said. I said yes to that
12 question.

13 Q. But you can't remember when he had the
14 conversation with you about the confidential
15 information?

16 A. There, yes, that's correct. I don't remember
17 the date.

18 Q. All right. Were you aware of any other major
19 financial decisions that I made for Local 1000?

20 A. Can you be specific as to time? What time
21 frame are you asking about? When you were -- before or
22 after suspension?

23 Q. What financial decisions have I made after the
24 three VPs tried to suspend me on February 27th?

25 A. So I don't think that's what I was trying to

1 clarify. You asked me about your spending habits. I'm
2 trying to figure out if you want me to tell you did I
3 find out about how you spent money prior to you being
4 suspended or after, because those answers are different.

5 THE HEARING OFFICER: Ms. Walls, again, what
6 I'm going to ask you to do is listen to the question
7 that Mr. Brown is answering [sic]. And even if it's
8 related to something that you think you know, that may
9 not be the question. Don't speculate. Answer the
10 question that he's asking. And if you don't know the
11 answer, you don't know the answer, and that's fine.

12 THE WITNESS: I'm trying, Mr. La Rue. Thank
13 you.

14 BY MR. BROWN:

15 Q. So prior to February 27th, were there any
16 financial expenditures that I authorized that you
17 objected to?

18 A. I don't know.

19 Q. Do you have any written documentation that
20 would help jog your memory about objecting to different
21 financial expenditures that I authorized?

22 A. I don't know.

23 Q. All right. Do you remember me ever
24 authorizing expenditures to pay off your legal debt?

25 A. Yes.

1 Q. All right. Do you remember how much I
2 authorized to pay off your legal debt?

3 A. Approximately, yes.

4 Q. So do you remember how much money that was?

5 A. It was approximately \$5,000.

6 Q. Do you remember why I paid off your legal
7 debt?

8 A. I do.

9 Q. Okay. Can you tell us why I paid off your
10 legal debt?

11 A. Because I agreed -- there were multiple
12 reasons. So, in hindsight, that's -- the reason that I
13 had a legal debt was because we had filed a lawsuit and
14 were trying to hold the former president accountable for
15 actions that you have identified in this hearing and,
16 therefore, I had been -- I had started taking the
17 stipend that was available to the executive leadership
18 to pay for that legal case exclusively and for travel,
19 given some of the -- let's say some of the roadblocks
20 that were put in front of me and my ability to do the
21 job by the former president.

22 So once we won and we had discussed us -- me
23 no longer taking the stipend, because I truly didn't
24 believe in it, the only way -- I agreed to do that
25 because I still had a debt given the lawsuit we filed on

1 Yvonne of \$5,000 that I was still trying to pay off and
2 still needed a couple of more stipend checks to continue
3 paying that off. Our agreement was that you would pay
4 it off and I would no longer need the stipend because I
5 didn't agree with it anyway and the lawsuit would be
6 over. So you agreed.

7 Q. Let me ask you some more questions about this
8 money.

9 Do you have in writing what you just stated?
10 Do you have it in writing from me?

11 A. I don't know.

12 Q. So maybe you have it in writing; maybe you
13 don't. You'd have to look for the email?

14 A. Yeah, I don't -- I don't remember if I kept
15 anything of that nature.

16 Q. Do you remember a conversation that you and I
17 had, and we were trying to work together to build trust?

18 A. I do. Many. Uh-huh.

19 Q. All right. So do you remember when you
20 brought that bill to me and I stated -- I'm sorry.
21 Wait. I'm compounding. Wait a minute.

22 Do you remember you bringing your legal bill
23 to me?

24 A. Yes.

25 Q. Do you remember telling me that that bill was

1 shared between you and the two former vice presidents,
2 Tony Owens and Kevin Menager?

3 A. Yes.

4 Q. Do you remember telling me, quote, the boys
5 had just dropped it all off on you and made you
6 responsible for the debt?

7 A. No. That's not how we talked about it.

8 Q. All right. Do you remember me authorizing
9 Local 1000 to pay off that debt?

10 A. Yes.

11 THE HEARING OFFICER: Asked and answered.

12 MR. BROWN: No, I said I, but then I said
13 authorized Local 1000; so I was trying to clarify that.
14 BY MR. BROWN:

15 Q. All right. Do you remember going on your
16 steward calls on Tuesday and acknowledging that your
17 debt had been paid off by Local 1000 -- your legal debt?

18 A. No, I don't believe I did that.

19 Q. Do you recall telling the two former vice
20 presidents, Tony Owens and Kevin Menager, that the debt
21 had been paid off by Local 1000?

22 A. Yes.

23 Q. Do you remember them ever calling me to say
24 thank you?

25 A. I have no idea what they did.

1 Q. Fair enough. All right.

2 Do you remember during that time -- wait. Do
3 you remember when the debt was paid off in the year
4 2021?

5 A. Not exactly, no.

6 Q. Do you remember writing a note to me stating
7 you would not try to run me out of office?

8 A. Yep.

9 Q. Do you remember when that date was?

10 A. No.

11 Q. Do you remember why I asked you to write that
12 note?

13 A. No.

14 Q. Going back to the legal fees, I want to
15 clarify this. You said it was nearly \$5,000?

16 A. Approximately, if I'm remembering correctly.

17 Q. And to clarify this, you did not tell anyone
18 other than the two former VPs that the debt had now been
19 cleared out?

20 A. I think you exclusively asked me not to, and I
21 respected that request.

22 Q. So I want to clarify this. You're stating I
23 asked you to not tell the former VPs?

24 A. No. You asked me not to share it with
25 anybody. I told you, "I'm going to tell the VPs," and

1 you were okay with that.

2 Q. But you don't have any written documentation
3 of that conversation you had with me?

4 A. No. We had -- no.

5 Q. Do you remember how many times in your HR1
6 allegations you talked about my financial -- malfeasance
7 or financial irresponsibility?

8 A. Quite a few.

9 THE HEARING OFFICER: Too broad a question.
10 Reframe it.

11 BY MR. BROWN:

12 Q. Do you remember how many times you --

13 THE HEARING OFFICER: The number of times is
14 in writing. It's there or not it's not there.

15 MR. BROWN: All right.

16 BY MR. BROWN:

17 Q. When the debt was paid off, the nearly \$5,000
18 in debt was paid off, was that a relief for you?

19 A. Sure.

20 Q. Do you remember the campaign promise I made
21 that I said no salary stipends would be paid out if I
22 was elected president?

23 A. Yes.

24 Q. Do you remember the statement I made to show I
25 was trying to work with people, even those I was running

1 against, that if I won the election and if the MTC,
2 Members for Transparency & Change won --

3 (Whereupon, the reporter asked for
4 clarification of the record.)

5 MR. BROWN: I'm sorry. I'm talking too fast.

6 BY MR. BROWN:

7 Q. Do you remember my campaign promise to work
8 with slate members from MTC?

9 THE HEARING OFFICER: Period -- question mark.
10 Stop there.

11 MR. BROWN: Yes, sir.

12 THE HEARING OFFICER: Ms. Walls.

13 THE WITNESS: Yes.

14 THE HEARING OFFICER: Next question.

15 BY MR. BROWN:

16 Q. Do you -- all right.

17 So am I allowed to give the background or no,
18 sir?

19 THE HEARING OFFICER: No, sir. You can ask a
20 question.

21 BY MR. BROWN:

22 Q. All right. Do you remember me authorizing
23 full-time union leave for the three vice presidents once
24 I assumed office?

25 A. Yes.

1 Q. Do you remember the three VPs in 2019 losing
2 their full-time union leave?

3 A. The three VPs losing their full-time union
4 leave, that would be no.

5 Q. All right. So let me clarify. When I took
6 office on June 30th, I put the three vice presidents on
7 full-time union leave because they did not have
8 full-time union leave?

9 A. That is correct.

10 Q. All right. Do you remember a board meeting on
11 December 19th -- a board meeting on December 13th, 2019?

12 A. Give me some context.

13 Q. The board meeting where the three vice
14 presidents lost their full-time union leave.

15 A. Yes.

16 Q. All right.

17 A. You know, I actually want to clarify. Because
18 it wasn't -- not all three VPs lost all their full-time
19 union leave. So I guess actually the answer to that
20 would be no.

21 Q. So can you tell me how much union leave you
22 had after the December 13th, 2019, board meeting?

23 A. In which time period? Because it was changed
24 multiple times.

25 Q. So when the three vice presidents' union leave

1 was cut down from full-time to one week a month on
2 December 13th, 2019, do you remember that date?

3 A. So, again, that is incorrect for me. But,
4 yes, I remember when that was true for Tony and Kevin.

5 Q. All right. How was your union leave cut down
6 on December 13th, 2019?

7 A. I received two weeks of union leave a month.

8 Q. Did you have to petition to separate yourself
9 from your running mates to get that two weeks per month?

10 A. I did.

11 Q. All right. So, to clarify, union leave was
12 given to the three vice presidents full-time once I
13 started; correct?

14 A. Yes.

15 Q. Do you remember people on the board giving me
16 pushback for giving full-time union leave to three vice
17 presidents when I took over?

18 A. I don't recall.

19 Q. So you don't recall any videos where people
20 were upset that the three vice presidents had full-time
21 union leave because it wasn't authorized in the policy
22 file?

23 A. Your question said the board.

24 Q. Sorry.

25 A. Do I remember people? Yes. I don't remember

1 whether it was board members who brought that to --
2 brought that up and made a stink about it. I want to
3 say it was mostly just members.

4 Q. All right. Thank you. Thank you.

5 Do the current -- including yourself, do the
6 VPs now have full-time union leave?

7 A. Yes.

8 Q. So, to be correct, the full-time union leave I
9 authorized for the three vice presidents is still being
10 carried out?

11 A. That's correct.

12 Q. Was the Union leave given to vice presidents
13 so they were able to do their jobs?

14 A. I would hope so.

15 Q. So let me ask another question.

16 A. I guess my answer would be I don't know why
17 you did it.

18 Q. All right. So let me ask you this. When I
19 authorized full-time union leave for the three vice
20 presidents, was that able to help you better do your
21 job?

22 A. Yes.

23 Q. Did you attend the August 27th rally for CCC
24 at the state capitol?

25 A. I did.

1 Q. All right. Do you remember the funds that was
2 authorized to pay for that event?

3 A. I don't remember.

4 Q. Oh, I'm sorry. Let me go back to that former
5 question about the three VPs having full-time union
6 leave.

7 The Union leave that I authorized for the
8 three VPs, that's still carried out and the board did
9 not approve that; is that correct?

10 A. I believe that's correct, yes.

11 Q. All right. I hope I didn't compound that.

12 The board did not approve full-time union
13 leave for the three vice presidents?

14 A. I believe that to be correct.

15 Q. All right. Do you remember what it cost for
16 the August 27th CCC rally?

17 A. I do not.

18 Q. All right. Do you remember the board
19 authorizing the expenditure of that money?

20 A. I do not. I don't believe they did.

21 Q. All right. When you spoke at the rally for
22 CCC for August 27th, do you remember what you said?

23 A. Verbatim, no.

24 Q. All right. Did I have your support for that
25 rally?

1 A. Yes.

2 Q. Do you have any emails that you sent to me
3 stating that you did not support protecting the jobs for
4 people in Lassen County?

5 A. No.

6 Q. Do you have any emails stating that you did
7 not want me to have that rally and spend the \$55,000 to
8 cover the costs?

9 A. No.

10 Q. Wait. Let me clarify this. You did not send
11 me any emails stating to not have that August 27th rally
12 at the state capitol for CCC that was going to cost
13 \$55,000?

14 A. I don't believe so, Richard. We were --
15 sorry. Can't give more background. But no.

16 Q. I want to clarify. You said the board did not
17 approve the expenditure of \$55,000 for day-to-day
18 operations of Local 1000 for August 27th?

19 A. I don't believe so.

20 Q. Do you remember the August 19th, 2021,
21 Thursday evening event for the CalPERS -- there was
22 going to be a CalPERS debate between the different
23 candidates running for CalPERS board seats?

24 A. The event sounds familiar. I don't remember
25 the date.

1 Q. Do you remember any emails you sent telling me
2 to not spend the funding of \$51,000 for the CalPERS
3 event?

4 A. I don't remember.

5 Q. So you don't remember sending me an email
6 stating on the day-to-day operations for Local 1000 that
7 I shouldn't spend the \$51,000 on a CalPERS event to
8 inform members of the different candidates and their
9 ideas to help us with our pension?

10 A. I just answered. I don't believe so. I was
11 supportive of that.

12 Q. Okay. So, to clarify, the day-to-day
13 operations regarding the money expenditure for the
14 August 27th CCC rally and the August 19th, if that's the
15 correct date, for the CalPERS debate between the
16 different candidates running for CalPERS board seats --
17 there were two seats open -- you don't remember sending
18 me any emails to not spend money on those two different
19 day-to-day operation events?

20 THE HEARING OFFICER: Asked and answered.

21 MR. BROWN: Okay.

22 BY MR. BROWN:

23 Q. In your personal opinion, do you believe that
24 I -- this is just your opinion -- that I thought I was
25 not suspended due to the fact that I had just suspended

1 your official duties on February 25th, 2022?

2 A. Yes. I believe you probably didn't think that
3 was done correctly. That's what you kept saying.

4 Q. Okay. So on March 5th, on the day that I went
5 to Local 1000 headquarters after being called to
6 clarify, there was still a big dispute over who was
7 really running Local 1000?

8 A. Only in your head, Richard. I don't think
9 there was a dispute in anybody else's head. If you look
10 at how it was done and reading the policy file, it was
11 incorrect.

12 Q. So when you received your suspension of your
13 official duties on February 25th, did you think "He's
14 just suspending my duties. He's not suspending my
15 membership because my money was never deducted from my
16 paycheck"?

17 A. No, I did not think that.

18 Q. So on the title of the page where it says
19 "suspension of your official duties," you thought I was
20 actually trying to, quote, "suspend your membership"
21 when it actually said your duties?

22 A. Richard, I read the whole letter, not just the
23 title.

24 MR. ANDONIAN: I want to object. I want
25 obviously to give Mr. Brown latitude on

1 cross-examination, but this is a matter that the hearing
2 officer has already resolved in the past -- prehearing
3 briefing that we did. So I just -- I guess I'm
4 asking --

5 THE HEARING OFFICER: I'm not going to retry
6 that, if that's where you're going, Mr. Brown.

7 MR. BROWN: All right. So just to clarify
8 what she said, it was either a yes or no about her
9 official duties being suspended on February 25th. Then
10 I'll move on to the next question.

11 THE HEARING OFFICER: I don't understand the
12 question. What are you asking?

13 BY MR. BROWN:

14 Q. Anica, did you believe your official duties
15 were suspended on February 25th, "yes" or "no"?

16 A. No.

17 Q. All right. Have Local 1000 members filed HR1s
18 against you?

19 A. Yes.

20 Q. Do you know when they filed these HR1s against
21 you?

22 A. No, not specifically. Recently. I know it
23 was after my -- after I filed an HR1 on you. Since
24 these hearings have been going on, I know it has been
25 that recent.

1 Q. All right. Do you know the number of HR1s
2 that have been filed against you?

3 A. I do not, but I know there has been more than
4 one.

5 Q. Do you know where you're at in the process
6 with these HR1s?

7 A. I do not.

8 Q. Okay. Do you know about HR1s being filed
9 against the other two VPs?

10 A. Specifically, no.

11 THE HEARING OFFICER: I'm going to rule this
12 question irrelevant to this proceeding. Move on.

13 BY MR. BROWN:

14 Q. Do you know currently where this HR1 process
15 that has been filed against you, do you know where the
16 process is right now, who's overseeing that process?

17 A. I think I just answered that. No, I don't
18 know where it's at.

19 Q. All right. Do you know? Were the charges in
20 the HR1 substantial enough to assign a neutral hearing
21 officer?

22 THE HEARING OFFICER: The witness has already
23 testified she doesn't know the status. Move on, please.

24 MR. BROWN: So I want to clarify. She doesn't
25 know the status --

1 THE HEARING OFFICER: Don't clarify. Move on,
2 please.

3 MR. BROWN: Mr. -- hold on. Mr. La Rue, I'm
4 trying to clarify to ask direct questions.

5 THE HEARING OFFICER: There is no need to
6 clarify. The witness has answered the question. Please
7 move on to the next question, your next line of
8 questioning.

9 MR. BROWN: All right. I want to request a
10 short 15-minute recess.

11 THE HEARING OFFICER: The time is 3:15 Eastern
12 time. Let's be back at 3:30.

13 MR. BROWN: Thank you very much.

14 THE HEARING OFFICER: The witness is still on
15 the stand and is not to have any discussion with
16 counsel. Thank you.

17 THE WITNESS: Thank you.

18 (Break taken.)

19 THE HEARING OFFICER: Mr. Brown, do we know
20 the whereabouts of Ms. Lynch?

21 MR. BROWN: I'm sure she'll be right --

22 THE HEARING OFFICER: There she is.

23 We're back on the record. The time is
24 3:30 p.m. Eastern.

25 Mr. Brown, continue. And let's stay with the

1 charges, and let's stay relevant and move it along.

2 Because we need to proceed. I'm going to give you as
3 much leeway as possible, but I want to cut down on the
4 redundancy and the irrelevance. Proceed.

5 BY MR. BROWN:

6 Q. One quick question. Anica, were you ever
7 suspended in the past?

8 THE HEARING OFFICER: Not relevant to what I
9 have to decide.

10 BY MR. BROWN:

11 Q. Okay. Do you recall making public statements
12 about sharing confidential information with the board?

13 A. No.

14 MR. BROWN: Okay. I would like to enter into
15 evidence a rebuttal to that.

16 THE HEARING OFFICER: Did you produce it to
17 Mr. Andonian?

18 MR. BROWN: I can introduce it right now. I
19 can send it to him right now and let him review it.

20 THE HEARING OFFICER: Do it.

21 MR. BROWN: Yes, sir.

22 THE HEARING OFFICER: And to us.

23 MR. BROWN: I'm sorry?

24 THE HEARING OFFICER: And to the hearing
25 officer.

1 MR. BROWN: Yes, sir.

2 (Pause in proceedings.)

3 MS. LYNCH: Would it be possible for Mr. Walls
4 to keep her camera on since she is still on the stand?

5 I'm sorry, sir. I can't hear you.

6 THE HEARING OFFICER: Not necessary while
7 we're recessed.

8 MS. LYNCH: Oh, okay. I'm sorry. I wasn't
9 aware we're recessed. Thank you.

10 THE HEARING OFFICER: We're waiting for
11 Mr. Brown.

12 You need to unmute, Mr. Brown.

13 MR. BROWN: I just tried to send it; so I'm
14 going to go back to make sure the email went through.

15 THE HEARING OFFICER: Mr. Andonian, have you
16 received it?

17 MR. ANDONIAN: Yes. It just came through. It
18 looks like it's a video file. If I could have a -- or
19 Mr. Brown can use it. I guess he's using it to impeach.

20 THE HEARING OFFICER: Right.

21 MR. ANDONIAN: At some point, obviously, I
22 want to review.

23 THE HEARING OFFICER: Do you wish to review it
24 before it's shown to the hearing officer?

25 MR. ANDONIAN: I guess subject to further

1 objection, if Mr. Brown has an impeachment he wants to
2 attempt with this, that's fine. Then if I can review it
3 for completeness when -- if he doesn't play the entire
4 clip, that would be...

5 THE HEARING OFFICER: Very well.

6 Mr. Brown.

7 MR. BROWN: So I want Mr. Andonian to have the
8 full respect to review it before we talk about it.

9 THE HEARING OFFICER: Mr. Brown, Mr. Andonian
10 is able to speak for himself as to what he needs or he
11 wants, and he's expressed it. Proceed with the video.

12 MR. BROWN: Okay. So give me one moment and
13 I'll do a screen share.

14 THE REPORTER: Before we proceed, can I ask a
15 question?

16 THE HEARING OFFICER: Yes. This is from the
17 court reporter. Proceed.

18 THE REPORTER: Can we stipulate that I do not
19 need to report the voices, or do you want me to try to
20 report the voices on the video?

21 THE HEARING OFFICER: Let me wait for
22 Mr. Brown to come back and then I'll rule on your
23 request.

24 THE REPORTER: Thank you.

25 THE WITNESS: I have a quick question as well.

1 Okay. I'm muted.

2 Can the court reporter -- can they repeat
3 what -- like the last sentence before -- like the last
4 question before he said he wanted to submit evidence
5 into? I'm not sure -- I think I'm a little confused
6 myself.

7 THE HEARING OFFICER: We'll wait. We can
8 ask -- we can have the question and the answer read back
9 before the video begins so that we're all on the same
10 page as to what the video is purporting to do.

11 THE WITNESS: Okay. Thank you.

12 MS. GRDINA: I would like to note that I just
13 sent the court reporter the impeachment video.

14 THE HEARING OFFICER: The court reporter
15 should be advised that you've just been sent -- and
16 we'll call this Exhibit -- yes -- this would be Brown
17 Exhibit P for identification -- P, as in "Peter."

18 (Charged Party Exhibit P was marked for
19 identification.)

20 THE HEARING OFFICER: Mr. Brown, the court
21 reporter requested while you were off screen whether she
22 is to try to take the voice -- copy the voices. My
23 instruction is that she need not do so, that we will not
24 capture the voices in the transcript. If this is an
25 impeachment document, it will come into the record.

1 Everyone will have a copy of it. But the transcript
2 will not include whatever is on the video.

3 While the video is playing, no one is to
4 speak.

5 Prior to the video playing, I'm going to ask
6 the reporter to read back the last question from you,
7 Mr. Brown, and the witness's response so that we're all
8 certain what this document purports to impeach.

9 Is everyone clear?

10 Could the reporter please read the last
11 question, please.

12 Mr. Brown, are you prepared to run the video?

13 MR. BROWN: Yes, sir.

14 THE HEARING OFFICER: Could the court reporter
15 read the question and the response, please.

16 (Record read.)

17 THE HEARING OFFICER: Ms. Walls, you heard the
18 question.

19 THE WITNESS: Yes.

20 THE HEARING OFFICER: At this point there is
21 no response from you as of when -- well, you answered
22 no, you didn't recall. And that's when Mr. Brown
23 requested to show the video.

24 Mr. Brown, proceed.

25 How long is it, Mr. Brown, approximately?

1 MR. BROWN: Like five or six minutes.

2 THE HEARING OFFICER: Very well. Proceed.

3 (Video played but no sound.)

4 THE HEARING OFFICER: Mr. Brown, we're not
5 hearing anything.

6 MR. BROWN: Okay. I have it. Do you all see
7 the screen?

8 THE HEARING OFFICER: We see the screen. We
9 cannot hear audio.

10 MR. ANDONIAN: I think there is an option in
11 the share menu to share audio as well as video.

12 THE HEARING OFFICER: There is.

13 THE WITNESS: I don't know if this is helpful.
14 Sometimes you have to stop screen share, click the
15 button for audio as well, and then try the screen share
16 again.

17 THE HEARING OFFICER: Lisa, can you lend help
18 to Mr. Brown to get this up and going?

19 MS. MATTSON: Yes. He needs to stop screen
20 sharing first and then --

21 THE HEARING OFFICER: Mr. Brown, listen to the
22 instructions, please. Follow the instructions.

23 MS. MATTSON: Once he clicks share screen,
24 when it gives him the option to select a screen or an
25 app, down towards the bottom left there's a box for

1 share sound.

2 (Video played, not reported.)

3 THE HEARING OFFICER: Turn the volume up,
4 please.

5 (Video played, not reported.)

6 THE HEARING OFFICER: Pause for a moment.
7 Can everyone hear? It looks as if they can.
8 Proceed, Mr. Brown.

9 (Video played, not reported.)

10 THE HEARING OFFICER: Stop share, please.

11 Mr. Brown, describe for the court reporter,
12 with regard to Exhibit P, who are the persons speaking.
13 I don't want you to talk about what they're speaking. I
14 just want you to identify who the speakers are and
15 what's the context for this video in terms of is this a
16 newscast, whatever. Proceed, please.

17 MR. BROWN: The speakers were Local 1000
18 members. I believe their names are Robert Bayze and
19 Frank Perry.

20 THE HEARING OFFICER: The date of this.
21 And I take it this is witness Walls to whom
22 they are speaking; is that correct?

23 MR. BROWN: Correct.

24 This is in the springtime of 2021, when
25 different people were running for office. This is one

1 of her interviews she did running for reelection for VP
2 of organizing/representation.

3 MR. ANDONIAN: Mr. La Rue, I'm going to object
4 with the understanding that there is a weight argument
5 to be made here. It's not clear to me that there was
6 any impeachment. I understood it -- well, I'll just
7 leave it at that.

8 THE HEARING OFFICER: Mr. Brown, your question
9 to the witness was "Did you ever make public statements
10 about confidential information?"

11 The witness said "No."

12 I did not hear any confidential information.
13 I didn't hear the word "confidential."

14 Are you still putting this video forward as an
15 impeachment of the witness's testimony? Answer "yes" or
16 "no."

17 MR. BROWN: Yes.

18 THE HEARING OFFICER: All right. I want you
19 to know that I have grave doubts about the weight of
20 this. I'm going to permit it and weigh it with the rest
21 of the evidence, but you know what I think about it at
22 this point. Let's move on.

23 MR. BROWN: Am I --

24 THE HEARING OFFICER: No.

25 MR. BROWN: I cannot?

1 THE HEARING OFFICER: It's done. It's in.
2 You said this was an impeachment video. That's how it
3 will be taken in the record. Let's move on to your next
4 line of questioning.

5 BY MR. BROWN:

6 Q. Anica, have you ever shared confidential --
7 have you ever shared information with the board that was
8 not authorized for you to share?

9 THE HEARING OFFICER: Ms. Walls, you're muted.

10 THE WITNESS: My apologies.

11 Not that I was aware of.

12 BY MR. BROWN:

13 Q. All right. Did I try to assist you in getting
14 more stewards at worksites?

15 A. Yes.

16 THE HEARING OFFICER: Relevance of the
17 question, Mr. Brown, to the charge -- charges?

18 MR. BROWN: I'm trying to show that I was
19 working with Anica.

20 THE HEARING OFFICER: What's that got to do
21 with the charges?

22 MR. BROWN: Her charges are stating that I was
23 an all-powerful, "do it as I say" dictator. I'm showing
24 that that's totally not true at all.

25 THE HEARING OFFICER: I have specific charges

1 that Ms. Walls has made. To what does this speak?

2 MR. BROWN: Let me look -- let me go to that
3 particular charge. Hold on one moment.

4 Stating that my attempt -- "His
5 willingness" --

6 THE HEARING OFFICER: What number, please?

7 MR. BROWN: I'm sorry. 4, Number 4.

8 THE HEARING OFFICER: Proceed. Identify.

9 MR. BROWN: Quote, "His willingness to put his
10 own self-interests above the interests of the Union and
11 its members."

12 And what I'm showing is I did everything I
13 possibly could to work with Anica. I wasn't putting my
14 own self-interests above anyone else's.

15 THE HEARING OFFICER: It's tenuous. Proceed.

16 BY MR. BROWN:

17 Q. Anica, did I ever prevent you from trying to
18 work at building worksites?

19 A. Not that I'm aware of.

20 Q. So is it fair to say that I did everything I
21 possibly could to help you in doing your job to the best
22 of your ability?

23 A. No, not everything.

24 Q. All right. Can you give me three examples
25 where I went above and beyond to help you do your job as

1 a VP of organizing/representation?

2 A. No. But I can give you three examples of how
3 you stopped things I wanted to do.

4 Q. All right. So can you first try to answer the
5 first question of three examples of where I helped you,
6 I went above and beyond to help you?

7 A. I don't think I would say that you went above
8 and beyond. You let me do the job that I was elected to
9 do, period.

10 Q. So when you say that -- all right.
11 Did I allow you to do your job at least
12 90 percent of the time?

13 A. Yeah.

14 Q. Follow-up question. Is this in stark contrast
15 to you not being able to do your job under the former
16 president 90 percent of the time?

17 THE HEARING OFFICER: Irrelevant. Move on.
18 The former president is not before me.

19 BY MR. BROWN:

20 Q. All right. Did I allow you to work a second
21 job while you worked full-time for Local 1000?

22 A. Did you allow me to? You knew that I had a
23 second job. Yes.

24 Q. Right. So did I allow you to use time during
25 the day to do your second job?

1 A. As an executive, I make my own time and I work
2 more than ten-hour days. So I used my breaks to do
3 other things that I needed to do.

4 Q. So let me ask you a follow-up question. Were
5 you allowed to telework?

6 A. I was allowed to make my own schedule.

7 Q. All right. Do you remember you and the other
8 two vice presidents asking me to telework?

9 A. I don't remember that. I remember telling you
10 what I was going to do. I don't remember asking.

11 Q. So, to clarify, you don't remember in June of
12 2021, after they announced who had won the different
13 offices, that there was a Zoom meeting between yourself,
14 I, David Jimenez, and Irene Green and that all three of
15 you wanted to telework, and you asked me was that okay
16 and I said that was fine?

17 A. I actually remember the conversation being
18 more like "This is what we're going to do. This is what
19 we're going to do," and you kind of saying, "Okay.
20 That's fine," like you often do.

21 I mean, it's a conversation about what our
22 schedules were. It wasn't us, like, getting your
23 permission. I think we were having a meaningful
24 conversation about how many people were going to be in
25 the office at one time. So it was more of like -- it

1 wasn't a permission type of conversation. It was more
2 like a "Let's make sure we know, you know, when we're
3 most likely going to be in the office."

4 Q. Would you say there was a certain amount of
5 leeway that all the executives had as far as how they
6 ran their areas?

7 A. Absolutely.

8 Q. So are you saying, then, that I didn't need
9 permission to do my job from the other executives?

10 A. No. Policy file actually states that there
11 should be executive committees, EC committee meetings,
12 which are inclusive of all executive officers.

13 Q. Right. Okay. Does the policy file state the
14 unique job responsibilities for each position?

15 A. It does for the most part.

16 Q. Do you remember in the policy file where it
17 states the president runs the day-to-day operations for
18 Local 1000?

19 A. I think so. Yes.

20 Q. All right.

21 A. Or it did. I'm sorry. It did, yes.

22 Q. So for the record -- all right.

23 Running the day-to-day operations for
24 Local 1000, do you think the vice presidents and how
25 they work would fall under the authority of the

1 president?

2 THE HEARING OFFICER: The policy file is
3 something that's within the purview of the hearing
4 officer to determine. It reads what it reads. I am
5 authorized to be the interpreter, not this witness.

6 BY MR. BROWN:

7 Q. Okay. So let me ask you this question.
8 Anica, would I be able to just do my job --

9 THE HEARING OFFICER: Again, same question.
10 It's the same -- it falls under the same category.
11 Elicit facts from the witness, not opinions about the
12 file.

13 MR. BROWN: Right. And so what I'm trying
14 to --

15 THE HEARING OFFICER: You're not doing it.

16 MR. BROWN: All right.

17 When she gives her opinion on previous
18 testimony, am I not allowed to continue to ask her for
19 her opinions?

20 THE HEARING OFFICER: I didn't say that. I
21 was very clear.

22 MR. BROWN: I'm asking her for opinion with
23 this question, if I was able to do my job --

24 THE HEARING OFFICER: And I told you, with
25 regard to the policy file, that's within my purview, not

1 this witness. Facts from the witness.

2 MR. BROWN: Okay. Okay.

3 BY MR. BROWN:

4 Q. All right. When did you receive your email
5 from Local 1000 regarding the suspension of your
6 official job duties?

7 A. I don't remember exactly. Definitely after I
8 realized that I couldn't log on to the computer.

9 Q. And do you have written proof of where you
10 couldn't log on to the computer on February 25th?

11 A. I could probably dig up some messages, some
12 either emails or text messages in regards to me being
13 locked out and not understanding why and then realizing
14 that you had -- that was your attempt in suspending us.

15 MR. BROWN: All right. So I want to clarify,
16 when I'm asking questions, sometimes I'm not asking
17 questions specifically to the policy file. I'm just
18 asking questions on her opinion. Okay.

19 THE HEARING OFFICER: You'll know when I don't
20 think a question is appropriate.

21 MR. BROWN: All right.

22 BY MR. BROWN:

23 Q. Anica, how many telephone conference calls did
24 you have after May 24th, 2021, discussing how to remove
25 me from office using the HR1 process?

1 A. I have no idea, if any at all.

2 Q. I'm sorry. Maybe I didn't read that question
3 correctly.

4 How many telephone conference calls did you
5 have after May 24th, 2021, discussing how to remove me
6 from office using the HR1 process?

7 MR. ANDONIAN: Objection. Asked and answered.

8 MR. BROWN: All right. I have a rebuttal to
9 this. I would like to go find that document.

10 THE HEARING OFFICER: She doesn't recall,
11 period. That's what she said, "if any."

12 BY MR. BROWN:

13 Q. All right. How many Zoom meetings did you
14 have after May 24th, 2021, discussing how to remove me
15 from office using the HR1 process?

16 A. I don't remember. Like I said, if any.

17 Q. Do you recall ever speaking to anyone about
18 using the HR1 process to remove me from office after
19 May 24th, 2021, before I was sworn in?

20 A. No.

21 Q. All right. Do you recall anyone talking about
22 using the HR1 process to remove me from office after
23 May 24th, 2021, when it was announced I won the
24 election?

25 A. No, Richard.

1 Q. All right. Do you recall any video that you
2 watched where people stated that you had led
3 conferences, telephone conferences to discuss a strategy
4 to remove me from office using the HR1 process?

5 A. Only your videos. This is something that you
6 conjured up in your head, and I would love to see the
7 evidence that has me on those conference calls or
8 emails, because that was never something -- I tried to
9 work with you, as you have shown --

10 THE HEARING OFFICER: Ms. Walls, it was a
11 yes-or-no question.

12 THE WITNESS: Sorry. No.

13 Oh, I'm sorry. I'm sorry. Yes. Your videos.
14 You're the only one who has made those statements.

15 BY MR. BROWN:

16 Q. So let me clarify this. You're saying that I
17 made the statement on video that you had had telephone
18 conference calls after May 24th, 2021, discussing how to
19 remove me from the president of Local 1000 through the
20 HR1 process?

21 A. That has been something that you've thought
22 for quite some time. Yes. Yes.

23 MR. BROWN: All right. I have the video to
24 rebut that.

25 THE HEARING OFFICER: To rebut what?

1 MR. BROWN: What she just said.

2 THE HEARING OFFICER: I don't understand what
3 the rebuttal --

4 MR. BROWN: I have video evidence that
5 directly states that I did not say that. Someone called
6 in and said that.

7 THE HEARING OFFICER: That's not what the
8 testimony was.

9 MR. BROWN: Right. I asked her did she talk
10 to anyone or did anyone talk to her about removing me --

11 THE HEARING OFFICER: That wasn't the question
12 either.

13 Could the court reporter please read back the
14 last question and answer by the witness.

15 (Record read.)

16 THE HEARING OFFICER: This is not a place --
17 Go ahead, Ms. Walls.

18 THE WITNESS: I just want to highlight that,
19 even if he showed a video, he's actually done -- so it
20 may not be on this video.

21 THE HEARING OFFICER: Well, no, that's
22 nonresponsive.

23 THE WITNESS: Okay. Okay.

24 THE HEARING OFFICER: But I'm not going to
25 permit a video to be shown in response to that question.

1 MR. BROWN: Are you going to permit, to allow
2 me to show written documentation of someone stating what
3 she did?

4 THE HEARING OFFICER: I don't know what
5 you're -- now I don't know what you're talking about.

6 MR. BROWN: All right. So I asked her did she
7 have telephone conference calls after May 24th, 2021, to
8 discuss removing me from office using the HR1 process
9 before I was even sworn in on June 30th -- I mean, on
10 June 27th.

11 THE HEARING OFFICER: And if you have a
12 document that rebuts her answer in which she said, "No,
13 if at all," then you may show that.

14 MR. BROWN: All right. Give me a couple
15 minutes and I'll go off screen and I'll find that
16 document.

17 THE WITNESS: Now, can I also, Mr. La Rue --

18 THE HEARING OFFICER: No, no, no, Ms. Walls.

19 THE WITNESS: Okay.

20 THE HEARING OFFICER: Let's recess for ten
21 minutes while Mr. Brown finds it. I have ten minutes
22 after. Come back on at 20 minutes after.

23 MR. BROWN: Thank you.

24 (Break taken.)

25 THE HEARING OFFICER: Ms. Walls, are you with

1 us?

2 THE WITNESS: I am. Sorry. My apologies.

3 THE HEARING OFFICER: Mr. Brown, prepare your
4 screen.

5 MR. BROWN: Thank you.

6 THE HEARING OFFICER: Before we begin, let the
7 record reflect this is Brown Exhibit Q, as in "queen,"
8 for identification.

9 (Charged Party Exhibit Q was marked for
10 identification.)

11 THE HEARING OFFICER: Proceed, Mr. Brown.

12 MR. BROWN: Before I proceed, should we have
13 the question reread again or no?

14 THE HEARING OFFICER: You may if you wish.

15 MR. BROWN: Yes. Can we have the court
16 reporter repeat the question.

17 (Record read.)

18 THE HEARING OFFICER: Proceed with your
19 questioning of the witness, Mr. Brown.

20 MR. BROWN: Yes. So here I have a document
21 here --

22 THE HEARING OFFICER: Question. Question.

23 MR. BROWN: Right. So I'm going to ask the
24 question again.

25 ///

1 BY MR. BROWN:

2 Q. Anica, this document that you're looking at,
3 can you please answer why this document contradicts what
4 you're saying about trying to remove me from office
5 using the HR1 process?

6 THE HEARING OFFICER: Don't characterize it.
7 The document speaks for itself. Don't characterize it.

8 MR. BROWN: Okay.

9 THE HEARING OFFICER: Formulate the question.

10 BY MR. BROWN:

11 Q. Anica, can you please respond to this document
12 about why a person would write this?

13 A. I have no idea, Richard. I question people's
14 actions all the time.

15 MR. BROWN: Can I have Anica read the part
16 where it says "as a board of director for SEIU and
17 DLC 772 president"? Can I have her read that part?

18 THE HEARING OFFICER: You can show the entire
19 document and ask the witness to review the entire
20 document before you resume questioning. Scroll up.

21 It's the next exhibit, is it not?

22 MR. BROWN: You called it Exhibit Q.

23 THE HEARING OFFICER: No, I mean -- this is Q.
24 What was the heading on the next page where you had
25 highlighted Ms. Walls's name? Scroll down.

1 Okay. It's Exhibit B, page 2. And this is
2 from what, Mr. Brown? The document.

3 MR. BROWN: What exactly are you saying?

4 THE HEARING OFFICER: This -- scroll up. Keep
5 going. Stop.

6 This is a declaration by Mary De La Cruz. For
7 the record, tell us where this emanates from -- the
8 document. It was attached to something, because it says
9 "Exhibit B." What was it attached to?

10 MR. BROWN: It's not attached to anything. I
11 was just doing different things and called them
12 different exhibits.

13 MR. ANDONIAN: Mr. La Rue, I'm going to
14 object. I'm going to object to this. I mean, first and
15 foremost, it's not really impeachment. This is not
16 Ms. Walls's statement.

17 And to the extent this is not a document
18 that's already been admitted on the record, this would
19 not, in my view, constitute rebuttal evidence. This is
20 just evidence that could have been put in at a prior
21 time.

22 THE HEARING OFFICER: Mr. Brown, your
23 response.

24 MR. BROWN: My response is this directly
25 contradicts what she said, and it's relevant because

1 it's basically showing you that Anica had in her mind to
2 use the HR1 process as the mechanism to remove me from
3 office before I was even sworn in on June 27th. And I
4 have the video where President 772 Mary De La Cruz calls
5 in and states this information and another DLC president
6 verified it on that video.

7 So there were many people at these meetings
8 where they were trying to conspire to remove me from
9 office before I was even sworn in. This is relevant.

10 MR. ANDONIAN: Mr. La Rue, I'm not taking
11 issue with the fact -- the point Mr. Brown appears to be
12 making. What I'm taking issue with is the vehicle.
13 This isn't impeachment in the sense that impeachment is
14 done using a prior inconsistent statement of the
15 witness.

16 And to the extent this is otherwise a document
17 Mr. Brown clearly had at the prior points when we were
18 instructed to produce the exhibits we were going to use,
19 this is something that could have been included and
20 wasn't, if I'm understanding it.

21 THE HEARING OFFICER: Mr. Brown, very briefly,
22 your brief response. And then I'm going to rule.

23 MR. BROWN: Very briefly, this is the heart of
24 the case. And very briefly, they've entered stuff after
25 the fact too. Sometimes there has been confusion over

1 what was entered in a timely fashion and wasn't because
2 a lot of stuff is being entered.

3 This is so relevant, because it clearly shows
4 the mindset of someone --

5 THE HEARING OFFICER: Okay. You said that.

6 This is the problem, Mr. Brown, with this
7 being what you have characterized as an impeachment
8 document. Mr. Andonian is absolutely correct. If the
9 witness says one thing and you have a prior statement by
10 the witness that is inconsistent, that is an impeachment
11 document. This is a document by a third party,
12 Ms. De La Cruz, who alleges -- I don't know the truth of
13 this. Therefore, this is not an impeachment document.

14 As it's been said, if you wanted to put this
15 in as part of your case, you had an opportunity to
16 produce it when I asked for all documents to be used as
17 part of your case to be produced.

18 The objection is sustained. This exhibit will
19 not be admitted into evidence. Let's move on to the
20 next inquiry, please.

21 THE WITNESS: I've got -- Mr. La Rue, quick
22 question for you. And I'm okay --

23 THE HEARING OFFICER: No, no, no.

24 THE WITNESS: My battery is running dead. My
25 question is are you okay with me running to get my form

1 and staying on camera and answering questions, which I
2 could do, or I'm going to need a break so that I can go
3 get my charger and turn this in.

4 THE HEARING OFFICER: I think this is probably
5 as good a time as any to take a lunch break, and then
6 you can retrieve your battery. I'd like to keep it as
7 brief as possible. Half hour to 45 minutes, can we do
8 that?

9 MS. LYNCH: Can we take 45 minutes, sir? I
10 also need to go get some items.

11 THE HEARING OFFICER: 15 minutes after the
12 hour be back.

13 MS. LYNCH: Thank you.

14 (Whereupon a lunch break was taken from
15 1:29 p.m. to 2:16 p.m.)

16 THE HEARING OFFICER: All right. We're back
17 on the record.

18 Mr. Brown.

19 MR. BROWN: Yes, I sent everyone an email
20 regarding Mary De La Cruz because I didn't receive that
21 information until after the deadline, I believe, in
22 April. I had her on my original witness list, and then
23 you made me narrow it down to only ten. She was part of
24 my witnesses. So I would like to still introduce her
25 affidavit.

1 And I believe that her affidavit was already
2 submitted with all the lawsuit stuff regarding Bill Hall
3 that Mr. Andonian submitted.

4 THE HEARING OFFICER: If so, then it's in as a
5 result of that. But the reason -- my ruling stands. It
6 was not an impeachment document. If you have an
7 argument as to why it should be introduced as part of
8 your case in defense, chief in defense, wait until your
9 case -- you present that case and I'll consider it. But
10 understand that you are late, and that was the ruling.
11 And so you're going to have to overcome that.

12 MR. BROWN: Right. So when we received it
13 after that deadline --

14 THE HEARING OFFICER: Mr. Brown, not now.
15 It's denied for now. Proceed.

16 BY MR. BROWN:

17 Q. All right. So, Anica, was there ever an
18 agenda formulated to remove me from office that you're
19 aware of?

20 A. Not prior to the action taken by the VPs.

21 Q. All right. Did you ever have a meeting behind
22 closed doors where you asked everyone to keep inviolate
23 what was being discussed?

24 A. Not that I remember.

25 Q. So that's a "no"?

1 A. That's correct. No.

2 Q. And do you remember your allegations --

3 THE HEARING OFFICER: Hold on, Mr. Brown.

4 There's background noise from someplace.

5 THE WITNESS: I'll keep muting. I'm trying to

6 find a cool place. I'm not in an office. I'm out of

7 town right now; so this is the best that I could do.

8 I'm in a restaurant sitting by myself.

9 THE HEARING OFFICER: All right. Proceed,

10 Mr. Brown.

11 BY MR. BROWN:

12 Q. Okay. Anica, do you remember referring to
13 Richard Wake in your allegation for Allegation Number 4?

14 A. If it's there under Number 4, then it was a
15 part of my allegation. I don't have them in front of
16 me, Richard.

17 Q. Okay. That's fine.

18 Do you recall how many Local 1000 "speak on
19 it" Zoom calls did you perform under the former
20 president Yvonne Walker on Tuesday nights?

21 THE HEARING OFFICER: Irrelevant. Stick with
22 this one. Whatever went on with the former president is
23 not before me.

24 BY MR. BROWN:

25 Q. All right. Do you recall you were discussing

1 with me about being able to do your Tuesday night Zoom
2 calls?

3 A. Yes.

4 Q. All right. Do you recall ever having had the
5 ability to have a forum to speak to Local 1000 on a
6 Tuesday night?

7 A. Prior to the "speak on it" calls, no.

8 Q. All right.

9 A. I'm sorry. Can I clarify? Formally, no,
10 formally. I did my own things on my own Facebook page
11 with the people that followed me there. But formally
12 through the organization of Local 1000, no.

13 Q. All right. When you discussed with me
14 about having a formal authority to do a Tuesday
15 night call to help you do your job as the VP of
16 organizing/representation, do you recall that
17 conversation?

18 A. Exactly, no.

19 Q. Do you recall -- I'm sorry. Oh, okay.

20 Do you recall how soon after you discussed
21 with -- do you recall how soon after you asked me to do
22 a Tuesday night call did that happen, that that meeting
23 took place?

24 A. I believe it was pretty immediate.

25 Q. Thanks for clarifying. I'll clarify again. I

1 didn't -- when I agreed to give you your call on Tuesday
2 night, I didn't hinder you -- I didn't say we have to
3 wait six months or a year. It happened pretty quickly?

4 THE HEARING OFFICER: Asked and answered.
5 Summarization is for argument. It is not for
6 cross-examination.

7 BY MR. BROWN:

8 Q. All right. Have you ever tried as the VP,
9 ever tried to suspend a local 1000 president?

10 A. Yes.

11 Q. All right. Am I the only Local 1000 president
12 that you have tried to suspend?

13 A. No.

14 Q. All right. Can you tell me what other
15 Local 1000 president you tried to suspend in the past?

16 A. Ms. Yvonne Walker.

17 Q. All right. Can I ask for you to clarify? Is
18 the reason for my suspension the same as when you tried
19 to suspend her?

20 A. No, it was not the same.

21 Q. All right. Can you tell me the difference
22 between you trying to suspend me versus when you tried
23 to suspend her?

24 MR. ANDONIAN: I'm going to object to this as
25 to relevance.

1 THE HEARING OFFICER: Sustained. Move on.
2 That's not relevant to the charges here.

3 BY MR. BROWN:

4 Q. Did you use a private attorney to fight to
5 suspend me?

6 THE HEARING OFFICER: What is -- I'm not sure
7 I know what that means.

8 MR. BROWN: What I'm asking for is did she use
9 a private attorney in her efforts to try to suspend me.

10 MR. ANDONIAN: Objection. Relevance.

11 THE HEARING OFFICER: I'll let it go.

12 Ms. Walls -- Ms. Walls.

13 THE WITNESS: I currently have an attorney,
14 yes.

15 BY MR. BROWN:

16 Q. All right. And is the attorney that you
17 currently have in your efforts to try to suspend me, is
18 that being paid for by Local 1000?

19 MR. ANDONIAN: Mr. La Rue, objection. This is
20 irrelevant.

21 THE HEARING OFFICER: Sustained. Not only is
22 it irrelevant, but you're getting very close to the
23 relationship between attorney and client.

24 BY MR. BROWN:

25 Q. To go back to when I paid for your attorney

1 when you were fighting Local 1000 before I became
2 president, did I receive authority from the board to pay
3 off that debt?

4 THE HEARING OFFICER: It's been asked and
5 answered, I believe.

6 BY MR. BROWN:

7 Q. At a board meeting on August 30th, 2021, did
8 you vote yes to pass the UAW 2250 contract?

9 A. Yes.

10 Q. Did the former president approve any hires you
11 wanted to make after you were first elected in 2018?

12 A. Restate that question again.

13 Q. Did the former president approve any people
14 you wanted to hire after you were first elected in 2018
15 to help you do your job?

16 THE HEARING OFFICER: The former president is
17 not before me. Ask questions pertaining to the charges
18 before the charged party here.

19 BY MR. BROWN:

20 Q. Did I approve any hires you wanted me to make
21 to help you do your job?

22 A. Yes.

23 Q. Do you know how many people I hired to help
24 you do your job?

25 A. I think in total three technically.

1 Q. Okay.

2 A. Maybe two.

3 Q. Okay. Do you remember in the past where
4 anyone else has ever hired people to help you do your
5 job as a Local 1000 VP?

6 A. No. But if I could clarify, there were open
7 positions under me that obviously would help with my
8 position. So those are the positions that I am
9 referring to specifically. So, yes, you filled
10 positions, and, yes, they helped me do my job.

11 Q. All right. Were there any open positions in
12 the past before you were the VP that you wanted to have
13 hired but it did not happen the way you wanted it?

14 A. No.

15 MR. ANDONIAN: Objection. Relevance.

16 THE HEARING OFFICER: I'll let it go.

17 BY MR. BROWN:

18 Q. Did I hire anybody from your 2021 campaign
19 slate that helped you do your job?

20 A. No.

21 Q. All right. Do you recall your running mates
22 from your 2021 campaign?

23 A. Oh, yeah, actually. So that's incorrect. You
24 did. I forgot. My apologies. Yes, you did. You did
25 hire one person from my old slate.

1 Q. In your opinion, did I try to the best of my
2 ability to work with the people you had ran with so we
3 could build a coalition?

4 A. Yes. I'm not sure if it was to the best of
5 your ability, but, yeah, you tried.

6 Q. Do you recall the meeting -- the executive
7 committee meeting we had between yourself, me, David
8 Jimenez, and Irene Green where you and David wanted to
9 hire a new staff but Irene Green did not want that
10 person being hired? Do you remember that meeting?

11 A. I do.

12 Q. So that executive committee meeting that was
13 in, I believe, October of 2021, do you remember how that
14 conversation went?

15 A. Mostly, yes.

16 Q. In your opinion, did I try to understand your
17 viewpoint along with Irene's viewpoint?

18 MR. ANDONIAN: Mr. La Rue, objection, to the
19 extent this is --

20 THE WITNESS: Yes.

21 MR. ANDONIAN: Well --

22 THE WITNESS: I'm sorry.

23 THE HEARING OFFICER: Ms. Walls, when you hear
24 the objection, please refrain from answering.

25 THE WITNESS: I'm sorry. Yeah. My apologies.

1 BY MR. BROWN:

2 Q. All right. So when that meeting was
3 concluded, did I take a vote; did I just make a
4 unilateral decision; or did I allow you, David, and
5 Irene to basically work it through and then I tried to
6 follow suit?

7 A. I think you had a conversation with us and you
8 tried to let us work it out, but ultimately, like with
9 all other hirings, you had the ultimate authority. So
10 you made the decision to hire the individual that myself
11 and David preferred.

12 Q. All right. The person that was hired, did you
13 know that person from your prior history at the State
14 California?

15 A. I did.

16 Q. All right. Did that person work in the same
17 building as you?

18 A. She did.

19 Q. All right. Would you consider that person as
20 a personal friend or just a work colleague?

21 THE HEARING OFFICER: Irrelevant. Move on.

22 BY MR. BROWN:

23 Q. Did I approve for your credit card to be fully
24 loaded, to have its maximum value when you used it?

25 A. I don't know what the maximum is; so -- I know

1 I've never had a problem using it.

2 Q. All right. Do you remember, once I became
3 president, that I instructed the CFO to ensure that the
4 VPs had full value, the full 5,000 on their credit card?

5 A. I knew that you activated the cards or that
6 you kept them activated.

7 Q. All right. Do you ever -- have you always had
8 access to your credit card, the full 5,000, since you've
9 been a VP?

10 THE HEARING OFFICER: It has been answered,
11 Mr. Brown.

12 MR. BROWN: Let me clarify this. I stated
13 when I became president, I ensured they had full access
14 to their card. So I'm asking her --

15 THE HEARING OFFICER: Asked and answered,
16 Mr. Brown. No need to summarize. She's answered the
17 question. Let's move on to the next one.

18 BY MR. BROWN:

19 Q. All right. Did I approve all of your travel
20 requests?

21 A. Yes.

22 Q. Have all of your travel requests always been
23 approved?

24 MR. ANDONIAN: Objection --

25 THE HEARING OFFICER: That's not a different

1 question. Asked and answered.

2 MR. BROWN: All right. I want to go to the
3 allegation about fiduciary responsibility and about how
4 I was spending money. So this is relevant because this
5 recently happened.

6 THE HEARING OFFICER: No speeches. Ask your
7 question. Are you referring -- which charge number are
8 you referring to now?

9 MR. BROWN: One moment.

10 All right. Allegation 2.

11 THE HEARING OFFICER: State the Allegation 2
12 to which you are referring, please.

13 MR. BROWN: Yes. One moment.

14 Allegation 2 -- I'm sorry. I'm talking about
15 financial responsibility. So let me go back to -- where
16 it talks about Allegation 3, that I, quote, "hid things
17 from the executive committee," and yet it talked about
18 fiduciary review.

19 So a lot of these allegations, it's all about
20 how you spend money. And so what I'm trying to find out
21 is --

22 THE HEARING OFFICER: I didn't ask that. I
23 just asked which allegation.

24 MR. BROWN: I'm asking her a question.

25 ///

1 BY MR. BROWN:

2 Q. The trip that you took to Norway, Anica, was
3 that trip approved by the board?

4 THE WITNESS: Mr. La Rue, I'll answer the
5 question. I don't have a problem with that. But this
6 is something that recently happened this weekend. I'm
7 wondering, like, how this has anything to do with my
8 allegations.

9 THE HEARING OFFICER: And it doesn't.

10 Mr. Brown, I'm only interested in the facts
11 that led up to the allegations in this charge. Anything
12 after that is not before me. I can't review it.

13 MR. BROWN: All right.

14 BY MR. BROWN:

15 Q. Was there any charges brought against Theresa
16 Taylor for her \$1800 gift in 2018?

17 THE HEARING OFFICER: That's before you became
18 president. Irrelevant.

19 BY MR. BROWN:

20 Q. Who has the authority to approve your travel?

21 MR. ANDONIAN: Objection to the extent this is
22 relating to the same question.

23 THE HEARING OFFICER: Well, we don't know yet.
24 I'll permit the answer to this question.

25 Ms. Walls.

1 THE WITNESS: In my experience, it's always
2 been the president.

3 MR. BROWN: All right.

4 THE WITNESS: Arguably, the board would
5 approve or deny some of. But that's not happened in any
6 of my travel.

7 BY MR. BROWN:

8 Q. So when you talk about the abuse of members in
9 Allegation 4, were you aware that Vice President Irene
10 Green was allowed to continue working at EDD until after
11 Labor Day, after she had won the VP of bargaining on
12 August 8th?

13 A. I was not.

14 Q. All right. And one quick follow-up. We
15 talked about the president approves travel.

16 If the president doesn't approve the travel,
17 do you know who approves the travel if the president
18 doesn't approve it?

19 A. Usually if it's not approved by the president,
20 you don't go.

21 Q. All right. The second part of the Irene Green
22 question, were you aware she was allowed to work
23 overtime after she had won the VP of bargaining?

24 A. No.

25 MR. ANDONIAN: Objection. Relevance.

1 THE HEARING OFFICER: Sustained.

2 MR. BROWN: All right.

3 BY MR. BROWN:

4 Q. All right. So on page 184 of your August 8th
5 testimony, you stated that I did things in an
6 unconventional way.

7 Can you give me three examples of me doing
8 things in an unconventional way?

9 A. One example would be how you interacted with
10 the board and gave ultimatums to either be on your side
11 or not. I would consider that unconventional. Let's
12 see. What was something else that you did?

13 I would consider some of the spending that we
14 discovered, once we were able to look at some of the
15 actions that you took while you were president, were
16 very concerning and, again, not conventional. And I
17 could get more specific if you wanted me to. Let's see.
18 What's a third one?

19 I thought it was unconventional the way you
20 would pick everybody up from the airport. Typically,
21 people would find their own ride or their own means and
22 ways of getting, but you pretty much always would pick
23 people up from the airport. You would always offer.
24 And from a president, I would consider that
25 unconventional.

1 Q. And so a follow-up is when I offered to pick
2 up someone from the airport, because this is a
3 member-ran union, you thought that to be unconventional?

4 THE HEARING OFFICER: That's what she said.
5 Move on.

6 BY MR. BROWN:

7 Q. All right. So can you tell me in written
8 documentation where I gave ultimatums to the board that
9 they felt like I was, you know, being harsh?

10 MR. ANDONIAN: Objection to the extent it
11 calls for speculation about how they felt.

12 THE HEARING OFFICER: That part is not there.

13 Ms. Walls, you're directed to answer the
14 question. Do you have documentation, written?

15 THE WITNESS: Probably not. I would say no.
16 He was pretty smart. Those were verbal conversations.

17 THE HEARING OFFICER: Next question.

18 BY MR. BROWN:

19 Q. All right. On December 29th, 2021, at that
20 board meeting, did you raise any objections or concerns?

21 A. I don't remember.

22 THE HEARING OFFICER: About what?

23 MR. BROWN: About the board meeting itself.

24 THE WITNESS: I don't remember.

25 MR. BROWN: All right. So can I object to a

1 statement she made that I was pretty smart in how I
2 talked to people? Because that's speculative.

3 THE HEARING OFFICER: No. Move on.

4 MR. BROWN: All right. And when she said I
5 was pretty smart, that's --

6 THE HEARING OFFICER: Move on. Move on.

7 MR. BROWN: All right.

8 BY MR. BROWN:

9 Q. On page 193 of the August 8th transcript, you
10 stated "They would have voted for Richard's budget if
11 they had the opportunity to ask a couple of questions
12 that were on their mind."

13 Who are these people?

14 A. Members of the board. Certain members of the
15 board.

16 Q. All right. Do you have any written evidence
17 of this?

18 A. Most likely not. Conversation.

19 Q. All right. When you say "certain members of
20 the board," do you have names?

21 A. I mean, one comes to mind specifically, yeah.

22 Q. All right. What's that name?

23 A. Ruth Ibarra.

24 Q. All right. And so that's the only name you
25 can remember that comes to mind -- so let me clarify.

1 That's the one person that communicated to you about
2 they would have voted for the budget?

3 A. That's the one name that I can think of right
4 now.

5 Q. All right. Can you tell me the relationship
6 you have with Ruth Ibarra?

7 A. We're colleagues and friends.

8 Q. Would you deem your friendship with her more
9 important than your friendship with other people on the
10 board?

11 A. No. Board business is about board business.

12 Q. Okay. Did she communicate that she would have
13 voted for the budget through an email to you?

14 A. I think I answered that. It was in a verbal
15 conversation. I don't remember an email or written
16 correspondence about that.

17 Q. So just to clarify, you have no concrete
18 evidence of any person on the board willing to vote
19 yes --

20 THE HEARING OFFICER: Mr. Brown, clarification
21 doesn't take place here. It takes place in your brief.
22 Move on. Next question.

23 BY MR. BROWN:

24 Q. Last question on Ruth Ibarra. Would you
25 consider her to be your very good friend?

1 THE HEARING OFFICER: Asked and answered.

2 BY MR. BROWN:

3 Q. On page 189 of the August 8th testimony, you
4 stated that VP secretary-treasurer David Jimenez --

5 I'm sorry. I want to clarify this on the
6 Ruth Ibarra. Because you said that she answered it, but
7 I want to make this -- clarify.

8 Is she just a good friend or is she a very
9 good friend?

10 THE HEARING OFFICER: I don't know the
11 difference between the two. She has testified that she
12 was a friend and a colleague. Question asked and
13 answered. Move on. You're on page 189 of the
14 transcript.

15 BY MR. BROWN:

16 Q. All right. On page 189 on the August 8th
17 transcript, you stated VP secretary-treasurer David
18 Jimenez had some issues with the actual exaggerated --
19 or some of the exaggerated numbers that were on there
20 for the 2022 budget.

21 Did David inform me in writing of this
22 apprehension?

23 A. I don't know, Richard. That's what David did.

24 Q. All right. Did he inform you --

25 THE HEARING OFFICER: Wait a minute. Wait a

1 minute, Ms. Walls. Mr. Brown's question was did he
2 inform you in writing.

3 THE WITNESS: No. I'm sorry. I heard him say
4 did David inform me, meaning Richard. Did he inform me
5 in writing. I don't know what David did.

6 THE HEARING OFFICER: Clarify the question.
7 Because I'm confused as to the pronouns used.

8 BY MR. BROWN:

9 Q. All right. Did Vice President David Jimenez
10 inform me in writing of his --

11 THE HEARING OFFICER: Inform you, Mr. Brown?

12 MR. BROWN: Yes, sir.

13 THE HEARING OFFICER: Is that what you're
14 asking? You're asking this witness whether Jimenez
15 informed you of the information that you're referring to
16 on page 189; is that correct?

17 MR. BROWN: Yes, sir.

18 THE HEARING OFFICER: Ms. Walls.

19 THE WITNESS: And I answered I don't know what
20 David did.

21 THE HEARING OFFICER: Very well.

22 BY MR. BROWN:

23 Q. Did David inform you in writing of this
24 apprehension over the 2022 budget numbers?

25 A. Very possible but I'm not positive; so I will

1 say no.

2 Q. All right. On page 255 of the August 8th
3 transcript, you stated you did not attend the
4 August 16th through 17th, 2021, gathering at the
5 Sacramento Democratic Headquarters, quote, "because I
6 didn't agree with the changes that I knew were going to
7 be spoken about."

8 So is that correct, that you just didn't
9 attend the meeting because you didn't agree with the
10 changes?

11 A. That was one of the reasons, yes.

12 Q. All right. Do you recall on August 8th
13 stating that was your very first reason, you just didn't
14 agree with the changes?

15 A. Yeah, I believe I did say that. Mm-hmm. Yes.

16 Q. Do you recall the other reasons?

17 A. I remember -- yes. I'll say yes.

18 THE HEARING OFFICER: Hold on.

19 Mr. Brown, if you're going to refer the
20 witness to her testimony, she doesn't have the
21 transcript in front of her. The only fair way to do
22 that is tell her the words that you want to ask her
23 about. Don't paraphrase it. Read it. It's in black
24 and white in the transcript.

25 MR. BROWN: That's what I'm doing.

1 THE HEARING OFFICER: No, you're paraphrasing.

2 MR. BROWN: This is her exact quote. "Because
3 I didn't agree with the changes that I knew were going
4 to be spoken about." Those are her exact words.

5 THE HEARING OFFICER: That is accurate.

6 MR. BROWN: So, Mr. La Rue, when I go off
7 these transcripts, do you want me to bring up the
8 transcript?

9 THE HEARING OFFICER: It's up to you. I want
10 the witness to know the words that you are saying that
11 she spoke based upon the transcript by showing -- by
12 either reading verbatim or showing her verbatim.

13 MR. BROWN: Yes, sir. You're correct. So
14 give me one moment and I'll go get the transcript.

15 THE HEARING OFFICER: You don't need to go get
16 the transcript if you follow my instruction. If you
17 have language that she -- if you have words that she
18 spoke, all I'm asking you to do is quote those words
19 verbatim.

20 MR. BROWN: Yes, sir.

21 BY MR. BROWN:

22 Q. All right. On page 118, you state "I believe
23 it was the majority of the members. If not, it was
24 really close."

25 So my question is is it correct that you did

1 not know if there were enough clearly labeled petitions
2 with proper justification sent to me that would require
3 me to call a board meeting?

4 A. That's correct. I did not have access to your
5 email.

6 Q. All right. Did anyone ever tell you that
7 there were enough clearly labeled petitions to require
8 me to call a special board meeting?

9 A. Yes.

10 Q. Do you have any written evidence of that?

11 A. Most likely, yes.

12 Q. All right. So let me see if I can rephrase
13 this.

14 THE HEARING OFFICER: There is no rephrasing
15 needed. The witness has answered the question.

16 MR. BROWN: All right. She said that people
17 told her there were enough clearly labeled --

18 THE HEARING OFFICER: You're making argument
19 again. Save that for your brief.

20 MR. BROWN: I want to clarify, because
21 sometimes she says yes --

22 THE HEARING OFFICER: You don't clarify on
23 cross-examination. You ask questions that elicit facts
24 and contradictions, if there are any, in the witness's
25 testimony.

1 BY MR. BROWN:

2 Q. In your opinion, Anica, is Local 1000 a
3 member-ran union?

4 A. Yes.

5 Q. Can you give me your definition of a
6 member-ran union?

7 A. Members who step into leadership positions and
8 have -- hold various positions in leadership and make
9 decisions both at district labor council levels as well
10 as statewide. All elected leaders are members.

11 Q. Let me ask you this question. Do the members
12 vote for leaders in Local 1000?

13 A. Yes.

14 Q. Do the members at large have any power within
15 Local 1000?

16 A. Yes.

17 Q. All right. Can you give me an example of that
18 power of the members at large?

19 A. One example that I can think of was during
20 bargaining, I believe it was, gosh, somewhere between --
21 it might have been the contract right after we didn't
22 win, somewhere around '15, '16, something like that,
23 where the bargaining team was at the table. The
24 members I was -- I know because I was leading one of the
25 actions at my worksite. We had pretty much -- we were

1 fax blasting Cal HR. I then, as one of the leaders, got
2 a phone call asking me to stop because we had not
3 allowed the state to -- we were basically inundating
4 their emails and fax machines, and they were not able to
5 get any business done.

6 And so the conversations at the table were a
7 little bit more fruitful because of the actions by the
8 members on the ground and in the worksites. It's
9 actually one of my favorite examples.

10 Q. So within the Local 1000 board of governance,
11 what is the power that the members have?

12 THE HEARING OFFICER: I think this line of
13 questioning has been answered.

14 BY MR. BROWN:

15 Q. Did the members -- were the members allowed to
16 exercise their voice at board meetings that I conducted?

17 A. I believe a couple of times, yes.

18 Q. Did some of the board members object to
19 members at large exercising their voice at the board
20 meetings?

21 A. I don't think that -- no. I would say no.

22 Q. All right. Did you object to letting members
23 at large speak at board meetings?

24 A. No.

25 Q. And you never --

1 THE HEARING OFFICER: Before you go on,
2 Mr. Brown, I need a clarification. You're using the
3 term "members at large." I'm understanding you to be
4 saying members of the bargaining unit who do not hold
5 office in the Union.

6 Is that the way you're using the term "members
7 at large"?

8 MR. BROWN: No, sir. I'm using members at
9 large as people who don't have any elected positions
10 within Local 1000.

11 THE HEARING OFFICER: That's what I just said.

12 MR. BROWN: You said bargaining team. They've
13 been voted to the bargaining team.

14 THE HEARING OFFICER: No, I didn't say
15 bargaining team. I asked you whether you're using the
16 term "members at large" to refer to bargaining unit
17 members who do not hold an office in the Union.

18 MR. BROWN: Yes, sir.

19 THE HEARING OFFICER: Okay. I just needed
20 that clarification in order to know who you're referring
21 to. Thank you.

22 BY MR. BROWN:

23 Q. Anica, did I -- or do I allow membership to
24 have a voice in our Union?

25 THE HEARING OFFICER: Asked and answered.

1 BY MR. BROWN:

2 Q. Anica, do you respect the voice of the voters
3 in its election of the Local 1000 president?

4 A. I do.

5 Q. All right. Can you tell me how you respect
6 the voice of the voters in relation to the HR1 you filed
7 against me?

8 A. I absolutely could. You know, the voters -- I
9 too ran statewide. And I too had people who voted for
10 me. And, actually, I was questioned very, very soon
11 into our election -- our elected positions. I was
12 questioned as to why I didn't file any proceedings
13 quicker than I did. So I had many conversations and do
14 with membership. I had people both pro and con, in
15 favor and not in favor, of you as president. I still
16 continued to work with you because members voted for you
17 as president.

18 But as time went on and as I started to learn
19 a little bit more and after you tried the shenanigans
20 that you did, I utilized the power that I have in policy
21 file that I was elected to have and I worked with the
22 other VPs in conjunction with the rules of policy file
23 too, in our rights as elected officials, and also per
24 conversations we had with individuals. So the decision
25 was supported by people; we took action and suspended

1 you as president.

2 So that is how I was eliciting different
3 opinions about what needed to be done, and that is
4 ultimately how I made my final decision as to what I
5 did.

6 THE HEARING OFFICER: Let the record
7 reflect -- Mr. Brown, one moment.

8 Let the record reflect that the word
9 "shenanigans" is a characterization and is not a
10 conclusion necessarily that the hearing officer is
11 coming to.

12 Proceed.

13 THE WITNESS: My apologies.

14 BY MR. BROWN:

15 Q. Anica, am I also an elected officer?

16 A. You are.

17 Q. And do I have the same rights as you and the
18 other elected officers?

19 A. I would argue more.

20 Q. And when you say you would argue more, are you
21 saying you would -- wait. I'm not going to compound
22 this.

23 Do I have more rights because of the policy
24 file?

25 A. Yes. In your position as president, yes.

1 Q. This is in regards to the March 5th -- here,
2 I'll go to the allegations.

3 THE HEARING OFFICER: This is the March 5th
4 through 10th?

5 MR. BROWN: Yes.

6 THE HEARING OFFICER: I will remind you.
7 You've been over this. You're going to get limited
8 amount of time to go over this again. You spent
9 extensive time on this. Proceed. I want to hear
10 something new.

11 MR. BROWN: Yes, sir.

12 BY MR. BROWN:

13 Q. March 5th, did you enter my office on
14 February 27th or later?

15 THE HEARING OFFICER: Objection. The witness
16 has already testified that she was not at the site until
17 the last day, which was March 10th.

18 MR. BROWN: Right. But my question was did
19 she enter my office on February 27th or later.

20 THE WITNESS: I entered your office on many
21 occasions; so I don't recall when the last time I
22 entered your office was. Specific date, I couldn't give
23 you.

24 BY MR. BROWN:

25 Q. Do you recall if anyone entered my office on

1 February 27th or later without my approval?

2 A. Without your approval, no.

3 MR. ANDONIAN: Objection.

4 THE HEARING OFFICER: What's the objection?

5 MR. ANDONIAN: Well, he said without his
6 approval. He was suspended as of February 27th; so
7 there was no approval to give. That issue has already
8 been decided.

9 It's also vague in that he's asking for
10 presumably an indefinite period of time after
11 September -- February 27th.

12 MR. BROWN: I'm sorry. Let me clarify this.

13 THE HEARING OFFICER: No. Speak to the
14 objection.

15 MR. BROWN: What I'm trying to figure out is
16 did she -- or did she know if anyone entered my office
17 between February 27th and March 5th.

18 THE WITNESS: You want me to answer that,
19 Mr. La Rue?

20 THE HEARING OFFICER: Not yet.

21 The witness has already testified that she and
22 others entered your office in that period of time. I
23 don't know where this is going and that it's helping me
24 decide the case.

25 MR. BROWN: From what I can recall, she did

1 not remember if she had entered my office starting
2 February 27th or later. That's what the transcript
3 should state.

4 THE HEARING OFFICER: I still don't understand
5 where this goes. How does this help me make a decision
6 about these charges?

7 MR. BROWN: When she's stating that I took
8 stuff from the building that wasn't mine --

9 THE HEARING OFFICER: Then if you want to
10 focus on that, focus on that. That might be factual. I
11 don't know what's coming out of what you're asking now.

12 MR. BROWN: Right. So what I'm asking now is
13 if she had gone inside my office, then --

14 THE HEARING OFFICER: No. You're making a
15 speech. What I want you to do is ask questions that
16 elicit facts.

17 MR. BROWN: Right. So I'm asking for just a
18 little bit of leeway --

19 THE HEARING OFFICER: I've given you much
20 leeway.

21 MR. BROWN: All right. All right.

22 BY MR. BROWN:

23 Q. Were you aware, Anica, that I have personal
24 belongings in my office?

25 A. Yes.

1 Q. How were you aware of that?

2 A. Because you would brush your teeth openly in
3 front of us when we were in there. So a personal
4 belonging is a toothbrush. You had that in there. I
5 believe you also had a pair of shoes, an extra pair of
6 shoes, and an extra shirt and jacket that you had hung
7 up. So those are personal items. I saw them with my
8 own eyes.

9 Q. All right. All right. I'm going to a
10 financial question, because you talked about my
11 financial responsibility in all these different
12 allegations.

13 How much money do we pay SEIU international on
14 a monthly basis?

15 THE HEARING OFFICER: Irrelevant. Move on.

16 BY MR. BROWN:

17 Q. Okay. Financial responsibility, that involves
18 all these different allegations regarding my leadership.
19 Were payments ever paid late under my leadership?

20 A. I don't know, Richard.

21 Q. Did anyone ever tell you that payments were
22 late?

23 A. Not that I recall.

24 Q. So you have no written documentation from
25 anyone stating that financial payments --

1 THE HEARING OFFICER: Asked and answered.

2 MR. BROWN: All right. I would like to take a
3 short recess because I'm just about done asking all of
4 my questions.

5 THE HEARING OFFICER: The purpose of the
6 recess?

7 MR. BROWN: Because I want to look through to
8 make sure all of my questions were answered. And I know
9 that they were, but I want to verify this. I just want
10 five minutes.

11 THE HEARING OFFICER: Are you asking for the
12 recess for the purpose of determining whether you have
13 any further cross-examination?

14 MR. BROWN: I want to go back to the financial
15 responsibility part, and I was going to ask one last
16 question --

17 THE HEARING OFFICER: Then proceed with those
18 questions.

19 BY MR. BROWN:

20 Q. So one last question before we take a quick
21 recess --

22 THE HEARING OFFICER: I'm not saying we're
23 going to take a quick recess.

24 MR. BROWN: Okay. Okay.

25 THE HEARING OFFICER: I asked you what the

1 purpose of the recess was.

2 MR. BROWN: I want to make sure I asked all
3 the questions and my assistants -- I need to speak to my
4 assistants.

5 THE HEARING OFFICER: And my follow-up
6 question was does that mean that you believe you are at
7 the end of your cross-examination?

8 MR. BROWN: Yes, I do believe that. But I
9 want to be a hundred percent sure.

10 THE HEARING OFFICER: You may have ten minutes
11 to consult with your assistants.

12 MR. BROWN: Okay.

13 THE HEARING OFFICER: It is now
14 6:00 o'clock -- 6:05 my time. Ten minutes.

15 MR. BROWN: Thank you.

16 (Break taken.)

17 THE HEARING OFFICER: Okay. We're back.
18 Mr. Brown.

19 MR. BROWN: Yes, thank you.

20 So I spoke to the assistants. I have a few
21 ending questions, and then we're done with our
22 questioning of Anica Walls.

23 BY MR. BROWN:

24 Q. First question, do you have any concrete proof
25 that there was a misuse of financial spending by

1 Local 1000?

2 THE HEARING OFFICER: What is the meaning of
3 "concrete proof"? Please be more specific for the
4 witness.

5 MR. BROWN: Does Anica Walls have any proof
6 that there was a misuse of spending by Local 1000.

7 MR. ANDONIAN: Also, I'll object that it's
8 vague. Is this referring to one of the charges, or is
9 this generally speaking?

10 MR. BROWN: Is she -- I'm sorry.

11 THE HEARING OFFICER: Go ahead, Mr. Brown.

12 MR. BROWN: She refers in her allegations
13 about my financial responsibility.

14 THE HEARING OFFICER: Where? What charge?

15 MR. BROWN: That there was a misuse of staff
16 time off --

17 THE HEARING OFFICER: What charge number,
18 please?

19 MR. BROWN: That's Charge Number 7. She talks
20 about gross financial malfeasance. This is why I keep
21 referring in all my questions to gross financial --

22 THE HEARING OFFICER: That's all I need.

23 MR. BROWN: Thank you.

24 THE HEARING OFFICER: Ms. Walls, do you recall
25 the charge? Do you have it in front of you?

1 THE WITNESS: Yes. No, I do not have it in
2 front of me. But, yes, I recall the charge. And, yes,
3 the local could produce documentation of that.

4 THE HEARING OFFICER: Mr. Brown, proceed.

5 BY MR. BROWN:

6 Q. All right. Second question: Did you see me
7 take a Local 1000 printer from the building?

8 A. Yes.

9 Q. All right.

10 A. Now, I could be -- I could be conflating a
11 picture with -- I'm pretty sure I saw you walk out with
12 a printer. Yes. Yes.

13 Q. So, to clarify, was that a Local 1000 printer?

14 A. It looked exactly like the printer that you
15 had on your desk.

16 THE HEARING OFFICER: That's not the question,
17 Ms. Walls.

18 THE WITNESS: I know. My apologies.

19 I don't know.

20 MR. BROWN: All right. And the prior
21 question, when I asked for the concrete evidence of
22 financial misspending and she said she would come up
23 with documentation, what documentation is she referring
24 to.

25 THE WITNESS: Actual financial documents that

1 are in the possession of the local, receipts.

2 BY MR. BROWN:

3 Q. Could you be more specific on these, quote,
4 "receipts with financial misspending"?

5 A. Typically when there is money spent through
6 the local, whether that is a check being cut or use of a
7 credit card or, you know, authority being given for
8 something to be paid, we went line by line and found
9 lots of stuff that was very concerning.

10 Q. But you haven't produced any of this
11 evidence -- so to clarify, you have not produced any
12 concrete evidence of financial misspending?

13 MR. ANDONIAN: Objection, again, to the term
14 "concrete evidence" and the characterization.

15 THE HEARING OFFICER: Yeah, let's be specific
16 to what you're referring to.

17 BY MR. BROWN:

18 Q. So, Anica, you have not produced any invoices
19 of financial misspending by me?

20 A. No. I haven't been asked to.

21 Q. All right. So I'm asking. Can you produce
22 specific invoices that states that I was misspending
23 Local 1000 funds?

24 A. Thank you.

25 If approved by legal, yes, they could be

1 produced.

2 MR. BROWN: All right. So I want to --
3 Mr. La Rue, is this a closed proceeding where all this
4 information is kept confidential?

5 THE HEARING OFFICER: I do not understand the
6 question. You know very well this is a closed
7 proceeding.

8 MR. BROWN: So she should be able to introduce
9 confidential information because it's not going to be
10 leaked out.

11 THE HEARING OFFICER: Are you asking for the
12 charging party to produce additional evidence after the
13 closing date of the production of evidence?

14 MR. BROWN: Yes, sir.

15 THE HEARING OFFICER: Mr. Andonian, you want
16 to speak to that?

17 MR. ANDONIAN: Sure. I mean, first of all,
18 this is -- I mean, if he's making a point about
19 evidence, this is an argument point, not a
20 cross-examination point.

21 But more to the point, Ms. Walls testified on
22 direct examination about instances in which she and the
23 other vice presidents became aware of what they
24 considered financial improprieties, spending money on
25 lawsuits, not telling them about it, not reporting about

1 it. That's evidence.

2 So, again, if Mr. Brown has an issue with that
3 evidence, I'm sure he'll speak to it in his brief. But
4 to the extent he's directing us in how to present our
5 case, I don't know what to say about that other than
6 it's inappropriate.

7 THE HEARING OFFICER: Mr. Brown.

8 MR. BROWN: So if they put this information in
9 their HR1, then the evidence should have been produced
10 when they were filing it.

11 THE HEARING OFFICER: That's argument.

12 MR. BROWN: All right. So all of these
13 allegations she has made, she hasn't been able to
14 produce one -- I'm sorry. I'm sorry. I take it back.
15 BY MR. BROWN:

16 Q. Okay. Next question. Is it fair to assume
17 that I needed to retrieve my personal belongings from
18 the building?

19 THE HEARING OFFICER: Vague question. Please
20 reframe.

21 MR. BROWN: All right. When she testified I
22 had personal things --

23 THE HEARING OFFICER: No, don't speak to me.
24 Reframe the question.

25 ///

1 BY MR. BROWN:

2 Q. Okay. Anica, do you feel I should have been
3 able to get my personal belongings from my office?

4 A. Yes.

5 Q. All right. Can you say with 100 percent
6 confidence that you knew where all my personal
7 belongings were in my office?

8 A. No.

9 Q. So did you know that I had personal belongings
10 in drawers in the office?

11 THE HEARING OFFICER: Asked and answered. She
12 said she didn't know.

13 BY MR. BROWN:

14 Q. Anica, how confident are you that you knew
15 where everything was in my office --

16 THE HEARING OFFICER: She answered that,
17 Mr. Brown.

18 MR. BROWN: All right.

19 BY MR. BROWN:

20 Q. Donna Snodgrass. Did I fire Donna Snodgrass
21 under my authority?

22 A. No.

23 Q. All right. So, to clarify, you said that I
24 threatened --

25 THE HEARING OFFICER: Do not clarify. Ask a

1 question.

2 BY MR. BROWN:

3 Q. Is Donna Snodgrass still the chief of staff?

4 A. No.

5 Q. Who fired Donna Snodgrass?

6 A. That's a tricky question. There was an
7 agreement made between parties. There wasn't an actual
8 firing.

9 THE HEARING OFFICER: Mr. Brown, this was
10 covered in the August 8th hearing on direct and
11 cross-examination. You're plowing old fields.

12 MR. BROWN: Yes, sir.

13 BY MR. BROWN:

14 Q. So back to the personal belongings, Anica, is
15 it fair to say that, when I said I took my personal
16 belongings, would you say that's a true statement?

17 THE HEARING OFFICER: I'm sorry. I didn't
18 hear that, Mr. Brown.

19 MR. BROWN: I'm sorry. I'm talking too fast.

20 BY MR. BROWN:

21 Q. Anica, when I stated I took my personal
22 belongings, would you say that was a true statement?

23 A. Yes.

24 Q. Okay. Thank you.

25 In your Allegation Number 10, which I've been

1 trying to direct my questions -- so Allegation 10, all
2 the HRIs that were filed, did I receive all these HRIs?

3 A. I don't know, Richard. HRIs do not fall under
4 my purview. That's the secretary-treasurer.

5 Q. So in your allegation when you state that I
6 grossly abused my authority and that HRIs were filed,
7 that they were denied their rights, how do you know
8 that?

9 A. Because there were some you told me about.
10 There were some that David told me about. But I did not
11 know about all of them.

12 Q. Do you have any written documentation of me
13 telling you about HRIs that were filed?

14 A. I believe there -- I could dig it up, yes.

15 Q. So in Allegation 10, you listed those names of
16 people -- is that correct? -- these names?

17 A. Can you read it?

18 Q. Yes. Yes, I can.

19 Charges filed by Luigo-Steinman, Jones,
20 Hibbard, Jennings, Roque, McFadden, Williams,
21 Wheeler-Owens, and Stevenson.

22 THE HEARING OFFICER: You forgot one.

23 MR. BROWN: I forgot one. Charges filed by --

24 THE HEARING OFFICER: Chilpigian. Chilpigian.
25 In my copy, he's before McFadden.

1 MR. BROWN: Okay. I don't have her name in
2 here. Okay. Chilpighian.

3 THE WITNESS: Those sound familiar, yes.
4 BY MR. BROWN:

5 Q. So is it fair to say you mischaracterized what
6 you said about a dozen HR1s were filed against me or
7 against -- HR1s were filed and their rights were denied?

8 A. Repeat that question again.

9 Q. Is it fair to say that you mischaracterized
10 what you said in Allegation 10 about HR1 filings and
11 that their rights were being denied?

12 A. No, I did not mischaracterize. What I listed
13 is what I listed, and those are specific. In a prior
14 question you asked me about all HR1s. I don't know
15 about all HR1s.

16 Q. So the HR1s that were filed against other
17 members, do you have any documentation of me sending out
18 emails -- or having sent out emails saying they're being
19 dismissed for being frivolous?

20 A. Again, I think I answered that. If I dug them
21 up, I probably could. I remember there were a couple
22 that you told me about, and there were a couple that
23 David told me about.

24 Q. So can you tell me, on these HR1s, who are
25 they specifically against?

1 A. Well, the ones that go to David are against
2 you. And the ones that go to you are against either
3 other members of the board or I believe someone had
4 filed one on me once, maybe twice. Yeah, that's about
5 the extent of my memory.

6 Q. So the names that you listed in the
7 allegations, were those HRIs against me or against other
8 members?

9 A. Against you.

10 Q. So if they were against me, I would have no
11 control over that; is that correct?

12 A. David would be the person who would assign the
13 hearing officer. Yes.

14 Q. All right. So then -- all right. So
15 Allegation 10 doesn't really apply to me, then?

16 A. No, you asked David to --

17 (Whereupon, the reporter asked for
18 clarification of the record.)

19 (Record read.)

20 THE WITNESS: -- rule on HRIs in a certain
21 manner.

22 THE REPORTER: Thank you.

23 BY MR. BROWN:

24 Q. All right. Do you have any written
25 documentation of me asking David to rule on these in a

1 certain manner?

2 A. I wouldn't. I wouldn't -- I don't, no.

3 Q. Were there any HR1s that were sent out against
4 you that were dismissed?

5 A. If I remember correctly, there was at least
6 one that I can remember. I think so.

7 Q. Do you remember who dismissed it?

8 A. I believe you did.

9 Q. What is the timing or the process for the
10 filing and response for an HR1? Is it like within two
11 days? three days?

12 A. I would actually need to look at the policy
13 file to be exact because --

14 THE HEARING OFFICER: We're now getting beyond
15 the competency of this witness. Whatever the policy
16 file says, it says. And I'm charged to review that in
17 accordance with this investigation.

18 MR. BROWN: Well, one quick follow-up.

19 BY MR. BROWN:

20 Q. The HR1 that was filed against you, do you
21 remember what the charges were that were filed against
22 you?

23 A. I do not.

24 THE HEARING OFFICER: Are there any further
25 questions, Mr. Brown?

1 MR. BROWN: No, sir.

2 THE HEARING OFFICER: Cross-examination rests.
3 Mr. Andonian, do you have any redirect of this
4 witness?

5 MR. ANDONIAN: No, I do not.

6 THE HEARING OFFICER: This witness is excused.
7 Mr. Andonian, does the charging party have
8 anything further with regard to the charges?

9 MR. ANDONIAN: We do not. We submit on
10 Ms. Walls's testimony and the exhibits that have been
11 admitted thus far.

12 THE HEARING OFFICER: Very well. The case for
13 the charging party is submitted.

14 Mr. Brown, it is now your turn to present your
15 case in defense.

16 MR. BROWN: So I'm asking you, sir, can we
17 defer all the questions to a later time?

18 THE HEARING OFFICER: Defer all of what
19 questions to a later time?

20 MR. BROWN: Any additional questions for Anica
21 at a later date?

22 THE HEARING OFFICER: No. This case is --
23 their case is in. If you call Ms. Walls, you're calling
24 her as your witness. And my experience with that is
25 that that's very risky. But you do what you want to do.

1 MR. ANDONIAN: I'm sorry. My computer froze
2 for a minute. I think I missed -- what was --

3 THE HEARING OFFICER: Mr. Brown asked if he
4 could ask Ms. Walls any further questions at a later
5 date.

6 MR. ANDONIAN: Very well.

7 THE HEARING OFFICER: My response was that the
8 charging party's case is completed, and there has been
9 direct and cross-examination and the charging party has
10 rested, that if Mr. Brown seeks to call Ms. Walls -- and
11 I'm not ruling on whether I would allow it or not -- but
12 if I did, Ms. Walls would then be Mr. Brown's testimony.
13 And I indicated, in my experience, that's a rather risky
14 thing for -- thing to do.

15 MR. ANDONIAN: Okay. Thank you.

16 THE HEARING OFFICER: But that's a matter for
17 another day.

18 Mr. Brown, are you prepared to proceed?

19 MR. BROWN: Yes. Can we take a break to 4:00
20 and then I'll start my opening statement?

21 THE HEARING OFFICER: I'm not going to give
22 you that long. It's 20 minutes till. Let's be back at
23 10 till.

24 MR. BROWN: Thank you very much.

25 MS. WALLS: I have a quick question,

1 Mr. La Rue, if I may.

2 THE HEARING OFFICER: Who is that?

3 MS. WALLS: I'm sorry. It's Anica Walls.

4 Now that I am technically off the stand and I
5 don't -- can I be off camera? Can I be driving and
6 still be present? Or do I need to stay where I'm at
7 right now?

8 THE HEARING OFFICER: I would prefer you stay
9 on camera, but you can mute for the rest of the
10 proceeding.

11 THE WITNESS: Okay. Thank you.

12 THE HEARING OFFICER: Okay, folks.

13 (Break taken.)

14 THE HEARING OFFICER: All right. We're back
15 on the record. This is the opening statement of
16 Mr. Brown, the charged party in this proceeding.

17 Mr. Brown, you may proceed.

18 MR. BROWN: Okay. Thank you.

19 OPENING STATEMENT FOR THE CHARGED PARTY

20 BY MR. BROWN:

21 Good evening. My name is Richard Louis Brown.
22 Today is August 31st, 2022, and this is my opening
23 statement in regards to the meritless, baseless
24 allegations -- all ten of them -- by VP
25 secretary-treasurer Anica Walls. Let me begin.

1 As the third duly elected Local 1000 president
2 in Local 1000 history, with 2,637 votes in a historic
3 election of 5 candidates that included the 4-time
4 incumbent, I was announced the president. And because
5 of this great victory, through the grace of God through
6 Jesus Christ, this has caused a great turbulence within
7 Local 1000. Some people call this politics. Some
8 people call it racism. It's actually a mixture of both.

9 Only under 8,000 people voted in this
10 election. The exact number: 7,780 voters. I have been
11 under immediate and constant unwarranted, racially and
12 politically motivated attacks since it was first
13 announced I won this coveted position on May 24th, 2021.

14 Now, the opposition would lead you to believe
15 that this is a simple case of bad behavior, bad
16 leadership by the Local 1000 president.

17 Let me be crystal clear. This is not a
18 straightforward case of accountability, not in the
19 least. And it never has been. This -- this story here
20 is a sad but true story about America's lack of
21 accountability regarding racism and politics in the land
22 of the free and home of the brave.

23 America has a rich history full of
24 indisputable facts of racial injustice against
25 African-Americans, particularly against outspoken and

1 passionate black men that sometimes results in the loss
2 of these black men's lives. That is unquestionable.
3 These unwarranted racially and politically motivated
4 attacks against me are really a covert attack on voting
5 in this country. And it reminds us of the great
6 struggle for voting for African-Americans in America.

7 You say, "Well, how is that so?"

8 This is how it is so. By attempting to remove
9 me from office in this evil attack on the fundamental
10 tenet of democracy in this country, this is what you're
11 seeing, racism and politics mixed in together.

12 This rich history of full racial allegations
13 of the angry, uncontrollable black man that is a threat
14 to society and detriment to any organization is the same
15 allegation that Local 1000 is portraying me to be.

16 This is simply classic racism at best and, at
17 worst, a tremendous sadness. A country that was built
18 on democracy but yet we still have this problem in
19 today's society.

20 VP of organizing/representation, Anica Walls,
21 is refusing to acknowledge and accept these two facts
22 but is quite collaboratively and deceptively using the
23 ancient art of lying to create the atmosphere of
24 coordinated chaos and confusion to deceive others into
25 believing that I am a detriment to Local 1000. This is

1 crystal clear in her testimony from August 8th and
2 today, August 31st, of her answers of "Well, I'm not
3 sure," "Kind of," "I can produce that information," "I
4 believe," "Well, maybe."

5 Her testimony is peppered with all of these
6 answers that you don't know where the wind is blowing
7 with Anica. Because she's not telling you the truth.
8 That's what this is.

9 And so she continues to practice this art of
10 lying to the best of her ability. But when you put the
11 spotlight on her, the truth comes out.

12 Now, to speak on it with straight talk, about
13 Anica's deception, is to reveal the foundation for her
14 meritless HR1 allegations against me.

15 Local 1000 has never had to acknowledge that
16 the largest public sector union in California had a
17 racial and political problem. Why? Because it
18 comfortably hid under this fact for 13 years because
19 this Union was led by an African-American woman who did
20 what she was told and never ever challenged the status
21 quo. And because of that, many people thought she could
22 never lose an election. And when she lost the election,
23 they had to figure out "What can we do to remove this
24 outspoken black man?" who was fighting for people.

25 My election victory revealed the truth about

1 Local 1000. The people wanted to create a new culture.
2 They didn't want change. They wanted to create
3 something totally new. They wanted to create a new
4 culture for Local 1000. Therefore, racially and
5 political motivated attacks began immediately on
6 May 24th, 2021, with the implementation coming on the
7 following day.

8 I have refused to let racial and political
9 attacks stop me from fulfilling my job responsibilities
10 as the duly elected Local 1000 president. I have fully
11 defended myself, like other black men have done in the
12 past. But for some Americans, this is a true threat to
13 racial supremacy and racial civility. However, if I was
14 a white man, I'd be considered a patriot and a hero for
15 the people. This is a fact.

16 Another clear fact is that, on July 15th of
17 2021, in order to build unity in this Union, I paid
18 Anica's \$4300 in legal fees. That's more close to the
19 exact number versus the \$5,000 that she testified to. I
20 paid these legal fees to Murphy Austin Adams Schoenfeld
21 because she was battling Local 1000, in 2018 through
22 2021, because she was not able to do her job. And she
23 claimed that the former president would not allow her to
24 do her job 90 percent of the time and that the former
25 president, along with other members of the board, voted

1 to reduce her Union leave, along with her running mates,
2 Members for Transparency and Change Kevin Menager and
3 Tony Owens.

4 But as I have stated concerning her ancient
5 art of lying, she quickly threw her teammates under the
6 bus and fought to retain just two weeks for herself
7 while her teammates, Kevin and Tony, were reduced to one
8 week of Union leave. And why were they reduced?
9 Because they were trying to work outside of their job
10 responsibilities. They were trying to, quote, "act like
11 they were the president."

12 Nevertheless, I still wanted to build a
13 working relationship with Anica Walls. And so with
14 members' money, I paid her dues on July 15th, 2021. And
15 the hypocrisy of it all is that, in her allegations, she
16 claims about me being self-absorbed and self-interested.
17 And yet I did everything I could to help her. And even
18 though her and her two teammates, Kevin and Tony, who
19 individually make over \$100,000 a year -- they couldn't
20 afford to pay off their attorney fees. But yet they
21 were in positions of authority. But yet they failed to
22 even pay their legal responsibility to an attorney.
23 That's the truth.

24 And you say, "Well, how does that relate to
25 her allegations?" Because it relates to her ability to

1 lie and to manipulate others into believing that I am a
2 detriment to the Union when the truth is I'm Local
3 1000's greatest asset, because I gave the people hope
4 that they would have a voice finally in this Union. I
5 gave the people hope that their voice could be exercised
6 at board meetings so that we're not a board of
7 directors-run union but we're actually a member-run
8 union.

9 These unwarranted racial and political attacks
10 on my legal powers, on my dignity, and on my self-worth
11 is racially amplified by the selection of the
12 independent arbitrator, which clearly violates the
13 following Local 1000 Policy File 9.2.00, Hearing
14 Officers Panel. This is what it states. These are the
15 facts.

16 "This panel shall consist of at least 14
17 active members, at least 2 from each area,
18 with terms which begin upon appointment and end
19 simultaneously with those of DLC and statewide
20 officers following each regularly scheduled
21 election. In making these appointments, the
22 President shall endeavor to have representation
23 from the DLCs and the BUNCs. The panel shall be
24 responsible for conducting investigations,
25 hearings, and making recommendations to the

1 Local 1000 board of directors on matters
2 referred to it pursuant to this policy."

3 However, you have those being led by Anica
4 Walls and others who have used vigilante justice to
5 serve their needs and not respect the voice of the
6 voters. Because it says in the policy file, if you
7 don't like a leader, you can do a recall. But they know
8 that the membership is fully behind me, and, therefore,
9 they didn't want to try to do a recall on me. Let me
10 continue.

11 Therefore, NHO La Rue, with his impeccable
12 legal profession and well-deserved recognition for his
13 accomplishments, is unfortunately not a California state
14 employee represented by Local 1000. So he can't
15 arbitrarily be the hearing officer or be part of the
16 hearing panel. He's not part of Local 1000 membership,
17 which begs the question how did this happen. Because of
18 vigilante justice.

19 The selection of NHO La Rue sets an illegal
20 precedent for Local 1000 and for reinforcing the idea
21 that there is a well-planned plot to remove me from
22 office.

23 It's unfortunate. But in today's society, the
24 cancel culture appeals to equate to be, quote, opinion
25 game of "My feelings are hurt," phobia of progress

1 psychology. And it doesn't matter which political party
2 you belong to. People in today's society have a problem
3 respecting election results. That's a fact.

4 This pervasive attitude and belittling mindset
5 has nothing to do with facts but is totally based on
6 opinions of a few members' closed-minded view, which
7 doesn't afford or allow the willingness to accept the
8 voice or the vote of membership that wants to create a
9 new culture of excellence based on my ten-point platform
10 that transforms Local 1000.

11 Let me be crystal clear. This historical
12 transformation from a political social justice
13 organization and financial sponsor for the democratic
14 party to a labor union that is not involved in policy
15 politics but represents all of its people, regardless of
16 their political affiliation, and will only fight for
17 substantial work wage increases with the absence of
18 management abuse is well long overdue.

19 However, these racist and political attacks on
20 me, because of my outspokenness as a black man and
21 military veteran, along with this ten-point platform
22 that offers redemption that boldly states these ten
23 revolutionary ideas, has caused a civil war within Local
24 1000 because of the hope it gives membership for a new
25 tomorrow.

1 If you notice, I have mentioned revolutionary
2 and civil. These are facts concerning wars in America.
3 And this is what Local 1000 is going through right now.
4 Revolutionary. When you create something that's
5 independent of SEIU International in D.C., revolutionary
6 because it's something they've never heard before or
7 something they thought they couldn't do on their own.

8 Civil because of the racial hostilities that I
9 will get to in a moment that reveal the truth that, even
10 in the great State of California, we have racial
11 problems. That's a fact. And you don't have to look
12 back to Rodney King or Mr. Grant or any other situation.
13 You can look at Richard Louis Brown right now. And you
14 can look at my videos to understand the racial
15 hostilities that I have gone through since becoming the
16 Local 1000 president.

17 What brought those racial hostilities out
18 along with the political attacks? That ten-point plan.
19 Let me read to you this ten-point plan, and then you'll
20 understand why they are trying with every lie in the
21 book to get me out of office.

22 First thing, create new financial spending.
23 No politics and non-germane activities. This includes
24 Local 1000 staff finally getting guaranteed medical
25 retirement benefits. End the hypocrisy.

1 That's a problem. And now you see the
2 motivation of some of these people. Because when you
3 talk about ending political spending, you're talking
4 about people's money. You're talking about the status
5 quo of Local 1000. And they'll say and do anything to
6 remove me from opposition because of this idea.

7 Second, eliminate the salary stipends and
8 tolling requirements for all volunteer elected
9 positions.

10 The salary stipends was created in 2016 for
11 the statewide officers, and some of those statewide
12 officers made more money in salary stipends than they
13 did their regular salary. But yet they failed
14 leadership.

15 The elimination of salary stipends was going
16 to inspire people to become dues-paying members of Local
17 1000. In fact, there was so much inspiration behind
18 that, people felt the sincerity about putting members
19 first.

20 And even though Anica still took the salary
21 stipend after she campaigned in 2018 saying she would
22 not take the money, which is one of her lies, even
23 though she said that, she still took the money. And
24 then she used that money to say she was paying the
25 attorney fees. But yet I still had to pay off the

1 attorney bill for her, almost \$4300 worth. But these
2 are the many lies that she has said. But the
3 inspiration that people felt about not paying that
4 salary stipend rang true.

5 Eliminate the tolling requirement for all
6 volunteer elected positions so that we open the Union up
7 to everyone so that it becomes truly a member-ran union
8 and not just for those who are able to become job
9 stewards. Because what they do, a hidden secret within
10 this Union, they don't allow you to become a job steward
11 unless they like you. But yet they're glad to take your
12 money. But you have to pay money to be a job steward.
13 And you have to pay money to vote. We'll get to that in
14 a second. In fact, it's the next up.

15 Create a single union membership class who all
16 have the same voting rights and job stewardship
17 regardless of paying status.

18 When I talk about racism, as a black man, when
19 you force someone to pay money to be able to vote,
20 that's wrong. It was wrong in the past, and it's wrong
21 now. Even for a public sector union, it was wrong. And
22 it's still wrong. But that's why that's revolutionary,
23 and this is why they're saying I'm a detriment. Because
24 I'm creating a whole new way of looking at things. I'm
25 creating a platform, a playing field where everyone

1 feels equal and they don't have that entitled, elitist
2 attitude. That doesn't work. That does not produce
3 long-term results.

4 Next, create transparent accountability by
5 publishing all questions along with the answers on a new
6 Union-secured website available to all represented
7 employees.

8 That's never happened before. That's called
9 accountability. That's never been done before.

10 Next, create guaranteed enforceable union
11 contracts by finally hiring a team of college-educated,
12 experienced, professional labor negotiators to
13 aggressively fight for substantial compensation,
14 21 percent, that includes general pay and COLA for
15 everyone.

16 That is revolutionary. Because Local 1000 has
17 a history of giving up their money voluntarily or being
18 forced to give up their money while under a signed
19 contract. This gives people of the status quo mindset
20 the deep motivation to remove me from office
21 politically.

22 Next, create trust and, again, accountability
23 through videotaping the entire voting process --
24 printing, mailing, opening, counting envelopes with
25 their ballots -- in leadership elections and quarterly

1 general council/board of directors meetings.

2 Since they have tried to suspend me, they
3 don't videotape board of directors meetings. So no one
4 knows what is going on. No one knows. You can only go
5 by what they tell you. When I took office, everything
6 was on video. Good days and bad days, everyone is shown
7 their behavior on those days. This is another reason --
8 another political reason they want to remove me from
9 office, because politicians will only tell you what they
10 want you to know. They'll never tell you the whole
11 story and let you make an informed decision. That's a
12 fact. Moving on.

13 Eliminate the 2.5 percent OPEB deduction from
14 our paychecks.

15 We had guaranteed retiree health care until
16 the former president agreed in the former contract to
17 give it up. That's politics. And here I am with my
18 platform telling you we're going to eliminate that in
19 the next contract. This gave them more motivation to
20 remove me from office; so that I wouldn't be the chief
21 negotiator for the next contract.

22 Let me get to Number 9. Because we know that
23 3 squared is 9.

24 Create and use a strike fund to support
25 lengthy contract negotiations. That's as volatile as

1 stopping all political spending.

2 What motivated Anica, other than her own
3 personal ambitions to be the president, to remove me
4 from office? This right here. She states that she
5 believes in strikes. But yet she can never show you how
6 she voted in prior strike votes. Because a lot of
7 people state things, but when you ask for the concrete
8 evidence, their voting record, none of these Local 1000
9 leaders other than myself can show you their voting
10 record so they can be held accountable for how they
11 voted.

12 And when they say that I used the Local 1000
13 website for my own personal use, that's a lie. My
14 personal website is CreateExcellence7437.com. And
15 you're going to see my entire voting record from 2012.

16 So yet we talk about going on strike. People
17 were afraid. But people who believe in creating a new
18 culture are for it. Here's where things get highly
19 political and why I say it's racial and it's political
20 and it's a mixture of both.

21 How can you let the number one state in the
22 nation -- this is my bias -- because it has the fourth
23 largest economy on earth, and it has the largest diverse
24 population -- with respect to Florida and New York --
25 how can you allow that state government to go on strike?

1 Who is telling people, inspiring people -- because we
2 inspire the impossible -- to go on strike and shut down
3 the fourth largest economy on earth? Richard Louis
4 Brown is. That's a problem. That's a tremendous
5 problem. Who does he think he is?

6 Finally, Number 10, create a new independent
7 Local 1000 identity. What does that mean? That means
8 we become independent. We can think on our own. We can
9 work on our own together. That creates a problem for
10 SEIU International in Washington, D.C. Of course,
11 Anica's attorney knows this, and that's why they paid
12 for him to come in to represent her. Because I am a
13 threat in their eyes.

14 In my eyes, I'm just trying to help people.
15 But in their eyes, if you talk about stopping \$688,000 a
16 month to an organization in Washington, D.C., they gotta
17 remove you, any which way but loose.

18 When you talk about not paying \$55,000 a month
19 to SEIU State Council, that's a problem. When you say
20 you're not going to support those political agendas from
21 SEIU International in D.C., that's a problem. But this
22 is my platform. This is what the people said they
23 wanted.

24 It was not my responsibility to help Anica and
25 her team win the election. It was not my responsibility

1 to help the former president win her election. I said
2 that was a historic election. Five people ran. You can
3 have all the facts that you think that you have. But if
4 you don't have the underlying story, your facts will
5 lead you to make bad decisions.

6 And the underlying story is this. I've been
7 saying the same thing since 2012. I've been consistent,
8 good days and bad days. But yet the evil ones -- and I
9 say that respectfully, because everyone is created for
10 their purpose on life -- in life -- they could not have
11 unity and so they split apart. And so the former
12 president and her people, they split up. And Anica's
13 group split up. Those are facts.

14 How does it relate to these allegations?
15 Because Anica is motivated to remove me from office any
16 way that she can so that she can become the president.
17 Let me show you how strong these motivations are. And
18 she's not by herself. Let me continue.

19 These unwarranted but well-orchestrated
20 attacks by a small group of self-serving individuals
21 posing as Local 1000 leaders, such as Anica Walls, first
22 started with the police being called to my home on
23 May 25th, 2021, at 5:00 a.m., on a false allegation that
24 there was a woman in my house screaming.

25 Let me stop right there. I told you this is

1 racially motivated. That's a fact. And we know by
2 facts that, oftentimes, when black men interact with
3 police, those interactions can sometimes turn out in a
4 negative fashion, maybe with the loss of their life.
5 Those are facts. Fortunately, I survived my encounter
6 with the police. And my encounter didn't result in
7 violence nor death.

8 Some people don't even know what this is.
9 This false allegation is called "swatting," when a prank
10 call made to authorities with the express purpose of
11 luring them to a location, usually a home, where they
12 are led to believe a horrific crime has been committed
13 or is in progress. And that's different than the
14 Breonna Taylor situation. But the result is that I was
15 able to live to tell about it.

16 That happened one day after they announced on
17 May 24th, 2021, I did the unthinkable. I've been at my
18 residence since 2012 November. Cops have never been
19 called to my house. But yet one day after I won the
20 election, the cops were at my house. Is that just
21 coincidence? No, it's not.

22 I may not look my age, but at 53 years of age,
23 I do know a little bit about life in America as a black
24 man. And none of you sitting here can look at me and
25 tell me my experience when those police came to my house

1 because your life was not on the line. Mine was. And
2 this is why I have said this is about racism and
3 politics on why they're trying to remove me from Local
4 1000.

5 I have been asked to not bring up the racial
6 aspect. But, you know, coming from the black community,
7 you have two types of black people, the kind who tell it
8 the way it is and the kind that play it safe. That's
9 not what God created me for. Moving on.

10 However, these unwarranted attack -- attacks
11 through the use of swatting did not result in the loss
12 of my life or, more importantly, being arrested because
13 the police had an open mind and did not succumb to the
14 racist stereotype of black men being confrontational and
15 angry when dealing with the police or in positions of
16 leadership. The police did not yell at me with their
17 guns pulled, and they did not make a rush to judgment
18 but, instead, they patiently gave me the utmost respect
19 to communicate to them regarding this false allegation.

20 Why was this false allegation so important?
21 Because what they were trying to show was that I was,
22 quote, "angry" and that I did things unconventional and
23 that they were hoping that the cops would come to my
24 house and that there would be an altercation and they
25 would arrest me. That's what they were hoping for. It

1 did not happen.

2 But what they really fail to understand, this
3 is something that's deep in my family. And this is why
4 I'm so passionate about the cops being called to my
5 house. Because my great-grand uncle, Erastus Brown,
6 July 10th, 1897, was lynched for allegations of taking
7 undue liberties on a white woman. That's a fact.

8 So this racial and political converted into
9 manufactured attacks sent everyone with a first-grade
10 comprehension level that Anica and others would not stop
11 until they had either taken my life or taken my position
12 through the use of vigilante justice.

13 I'm going to show you more information that
14 verifies every single thing that I have stated up to
15 this point.

16 Within seven months of taking leadership,
17 these orchestrated and unwarranted attacks eventually
18 morphed into a frivolous and baseless matrix of HR1
19 allegations that one needs a degree in mental gymnastics
20 to follow the absurdity.

21 I tried to, quote, "lead without war" by
22 working with Local 1000 leadership, but to no avail
23 because of their closed-minded approach. So membership
24 has greatly suffered to the intoxicating immoral
25 intelligence of a certain number of individuals,

1 starting with Anica Walls.

2 There is absolutely no written correspondence
3 to show progressive steps of communication from VP Walls
4 nor the other two VPs factually stating that I was
5 intentionally violating a policy file in these ten areas
6 of wrongdoing before VP Walls and the other two VPs
7 politically took unnecessary action against me.

8 There is further substantiated by the fact --
9 this is further substantiated by the fact that Anica
10 Walls does not have any witnesses who want to openly
11 collaborate [sic] her desire to remove me from office.

12 Let me repeat that. She does not have any
13 witnesses at all who want to openly collaborate her
14 desire to remove me from office. This, again, is in
15 stark contrast to my initial list of 100 witnesses that
16 would have purely exonerated me from these baseless
17 allegations. I narrowed down my 100 willing witnesses,
18 including the former president, Yvonne Walker, to only
19 65 witnesses. However, NHO La Rue would only allow me
20 to have ten witnesses, which I strongly believe
21 incredibly limits my ability to defend myself against
22 these meritless allegations.

23 Number 4, however, since my leadership has
24 begun on June 30th, 2021, it has been totally
25 disrespected with VP Walls leading telephone conferences

1 on ten different occasions with Local 1000 leaders
2 immediately after May 24, 2021, regarding the
3 development of an HR1 removal strategy plot to eliminate
4 me from office so VP Walls could become the new Local
5 1000 president without ever having the courage of her
6 convictions to run for this top position in an election.

7 VP Walls is used to this. This is her
8 behavior and her hypocrisy. VP Walls tried this
9 suspension strategy with the 2018 -- in 2018 with the
10 former president, Yvonne Walker, to no avail.

11 Let me offer further evidence to make this
12 more clearer for you. Local 1000 board member and
13 DLC 772 president Mary De La Cruz stated this plot to
14 remove me from my office through the HR1 process on my
15 YouTube video titled "Courage of Convictions,"
16 April 20th, 2022, between 1 hour, 10 minutes, 25
17 seconds, through 1 hour, 25 minutes and 30 seconds.

18 I did not ask her to give out this
19 information. She gave this out freely. And it was
20 reinforced, it was verified by another DLC president,
21 Miche Roy, on that call. And she stated that there was
22 a plot and they were having meetings to remove me before
23 I was even sworn in on June 27. And she stated that
24 David Jimenez was there; Kevin Menager, of course; and
25 other Local 1000 board members and other members at

1 large.

2 They had no intention on ever, ever working
3 with me. And so I was given a phone call during the
4 week of May 24th, on a Thursday, and they told me --
5 what they told me was this: Anica has no intention on
6 working with you, and she's planning to remove you from
7 office right now. That's a fact. But I kept that to me
8 because I still wanted to show that we could come
9 together with our differences and work together.
10 Because I'm not self-absorbed. I'm not self-interested.
11 I care about Local 1000. I care about the gift that God
12 has given me through Jesus Christ to help people.

13 So even though I was told she was out to
14 remove me, and even though on April 20th, in the video,
15 DLC 772 president Mary De La Cruz stated "She wanted to
16 remove you before you were sworn in," and even though
17 that president, Mary De La Cruz, put it in writing, in
18 an affidavit, I still had hoped to work with Anica.

19 But this is who Anica is. She's a politician.
20 And there is nothing wrong with being a politician in
21 America. But I was elected president, to not be a
22 politician, but to be a member of Local 1000, to be a
23 voice for other members. So I haven't lied. But yet
24 Anica has continued to lie, which is filled with her
25 meritless HR1 allegations.

1 To offer more proof yet her 2021 running mate
2 for VP of bargaining, Kevin Menager, told the gospel
3 truth -- and I say gospel because it was true yesterday,
4 today, and tomorrow -- the righteous truth on Facebook
5 on a post on June 17th, 2021, at 10:30 a.m. That's a
6 fact.

7 Of course, Anica was well aware of Kevin's
8 desire to remove me from office because he took part in
9 these telephone conferences and discussing the
10 development of an HR1 removal strategy plot to remove me
11 from office before I was even sworn in on June 27th,
12 2021.

13 Let me read to you what he said on June 17th,
14 2021. Here is Kevin. And, of course, Anica's name is
15 in the picture. So she's aware of this.

16 Kevin: "Can you give us 90 days with the new
17 board? Actually, six months would be the fairest,
18 because then we all see how he handles the BLD meeting
19 in December."

20 Now, he's stating this on June 17th. I
21 haven't even been sworn in yet on June 27th. He goes
22 on.

23 "But, in the meantime, he has got to be
24 silenced from publicly speaking on behalf of the Union.
25 If he goes off on his own contradiction of the Union, he

1 could/should be suspended. Those charges would have to
2 be ironclad in order to call a special meeting to remove
3 him. I hear your concerns. Truly, I do. But the
4 membership would revolt if we casually overturned the
5 election."

6 June 17th. You can take a lot out of that
7 Facebook post. Because members were texting me left and
8 right about what he said. They couldn't understand
9 because they thought he was honest and he had sincerity.
10 But birds of a feather do flock together.

11 Let me go back to something he said in there
12 that touches on the racial aspect: "But, in the
13 meantime, he has got to be silenced from publicly
14 speaking on behalf of the Union."

15 How many times have black men in America stood
16 up and fought for what was right and they said, "We have
17 to silence him. We have to silence that black man."
18 Malcolm X. Dr. King. Dr. Evers. How many times? Too
19 many. And those are facts.

20 Before I could even get sworn in on June 27th,
21 this person, Kevin Menager, is saying these things.
22 What was the result of that, other than her filing these
23 meritless HR1 allegations against me? Twice he ran for
24 VP of bargaining in 2021. He lost. Because the voters
25 saw who he really was. He ran to be on the BUNC team in

1 November, lost that, disputed that election, lost again.
2 He ran two more times to be on the BUNC. Lost those
3 too. The people saw who he was.

4 But Anica has the fine art of lying. She's
5 tougher. But I'm going to show you further who she is.

6 Kevin's honest Facebook statement about
7 removing me from office before six months would cause a
8 revolt is highly disturbing, and Anica never tried to
9 stop --

10 (Whereupon, the reporter asked for
11 clarification of the record.)

12 MR. BROWN: Kevin's honest Facebook statement
13 about removing me from office before six months would
14 cause a revolt is highly disturbing. And Anica never
15 tried to stop this type of disharmony. Why did she not
16 try to stop this? Because she was in full support of
17 her running mate saying these types of anti-Union
18 rhetoric. And this reveals Anica's true motivation,
19 that she was in -- she never had any good faith
20 intentions on ever working with me. She was standing by
21 her running mate on that particular occasion.

22 Anica instead allowed her 2021 slate member to
23 attack me like dogs were allowed to attack nonviolent,
24 peaceful African-American protesters in the March 7th,
25 1965, 54-mile bloody Sunday march across the Pettus

1 Bridge from Selma to Montgomery for voting rights for
2 black people. This eventually led to the 1965 Voting
3 Rights Act.

4 When you allow someone to attack the president
5 and you're a statewide officer, if you don't stop that
6 type of behavior, then you're telling everyone "He's
7 free to attack. Attack him so that I can build more
8 energy with my already orchestrated plot to remove him
9 from office." And this is why she has no concrete
10 evidence to offer on her allegations that she should
11 have offered with her allegations when they were first
12 submitted.

13 Unfortunately, Anica's political ambitions
14 allows her to use others like Kevin to help Anica
15 achieve her own personal goals while vilifying me in the
16 process, which Kevin Menager will never deny.

17 Kevin's unprovoked attack on me encouraged
18 other racial hostilities against me, such as Denise
19 Quinn Allen's smiling white-teeth clown character of me
20 on Facebook that involved using another prominent
21 African-American as a cover to this racist stunt.

22 It's in the April of 2022 time frame, and it's
23 talking about the Local 1000 board meeting scheduled for
24 tonight, April 18th. And it's saying "The Local 1000
25 board of directors will hold a meeting tonight,

1 April 18th, 2022, from 6:30 to 8:00 p.m."

2 Then it says in its cartoon crude caricature
3 "Major Breaking." So they put Congressman Maxine
4 Waters. And it says "Major Break -- Major Breaking:
5 You need to respect the chair and shut up!"

6 So she used one African-American to disparage
7 racially another African-American. Because the other
8 African-American is a -- he's a brown-skinned black man
9 with glasses smiling with white around his mouth. She
10 did that deceptively. That's a fact. And Denise
11 Quinn-Allen won't refute this. But there is more
12 attacks. This is just another example of racial attack
13 on me.

14 She also called me -- Denise Quinn-Allen --
15 quote, "a dick" or "what a dick."

16 My name is Richard Louis Brown. No one calls
17 me "Dick." My name is Richard or Richie. But she
18 called me a dick on August 11th, on my Wednesday night
19 "Local 1000 Listens to You." She thought that we
20 couldn't hear her. But you called the president of
21 Local 1000 a dick. Why did she feel so comfortable to
22 call me a dick? Lies and that she never apologized for
23 and that Anica Walls never wrote her an HR1 for conduct
24 to discredit Local 1000. Anica sat back.

25 And it's at the 52:17 mark of that video.

1 This was unprovoked because she thought I was ignoring.
2 So because Denise Quinn-Allen thought I was ignoring
3 her, she says, "What a dick." If she had said that to a
4 white man -- well, she would have gave that white man
5 leeway, period.

6 How do we know this? Because how many racial
7 attacks did President Obama go through. First it's
8 racial attacks on white presidents. They didn't go
9 through any.

10 Yet, Anica fully approved of these racist and
11 political attacks. She never stopped anyone from making
12 these political and racist attacks against me because it
13 served her own personal agenda to remove me from office
14 that she had already started planning with her ten
15 different telephone conference calls right after May 24,
16 2021. Those are facts.

17 And this is why she can't call any witnesses.
18 Because these witnesses know that the more questions
19 that come out, that I ask, the truth will come out on
20 these people. And they don't want the truth coming out.
21 They only want it to be translucent. They will show you
22 what they want you to see, but they won't give you all
23 the information so you can make a factually based
24 decision.

25 And this is why, when people say, "Just give

1 me the facts," if you don't know the background story,
2 there's a possibility you could make a bad decision.
3 You must know the background story before you apply the
4 facts.

5 Once people knew that there would be no
6 accountability for racist attacks due to Anica and a few
7 other Local 1000 leaders fully approving these actions,
8 it caused a hostile workplace for me. In fact, this
9 racially charged and highly sensitive crew of characters
10 are again shown in a Facebook post on January 16th,
11 2022, by Jonah Paul regarding the 2022 Local 1000 budget
12 failure. And this is the most -- in my opinion, the
13 most egregious of the racial true character.

14 Please note that the SEIU International
15 president, Mary Kay Henry, and Local 1000 DLC 786
16 president, Teresa Taylor, who also sits on the CalPERS
17 board, are proudly and pristinely presented in this
18 race-filled character -- caricature while I present as
19 the, quote, angry, aggressive, intimidating black man or
20 as a silly unintelligent clown.

21 This reminds us of Emmett Till, of Black
22 Panthers, and other black men that have been portrayed
23 in this country as dangerous, controversial, or not
24 intellectual.

25 Of course, Anica fully approved this type of

1 racial behavior while accusing me of being a detriment
2 to Local 1000.

3 Let me get to this by Jonah Paul on Facebook.
4 "This was sent to me from the Dark Web, me, stash, and
5 it made me chuckle. Sometimes you just have to laugh.
6 Hope we can turn this situation around in the new year
7 and get to the difficult work of organizing for a good
8 contract."

9 And so here are the pictures of Teresa Taylor
10 and Mary Kay. "We've got you surrounded. Come pass a
11 budget for 2022." They've got me surrounded.

12 Then on the other side it says "I hate the
13 board of directors. I hate the board of directors."
14 And it shows this face with all this black in the mouth
15 and the eyes are all big and bulging as if the person,
16 this crude caricature, is out of control, simply mad,
17 and he's holding a rifle. Oh, we gonna talk about this,
18 because this is really the crux of the racial hostility,
19 when somebody feels that confident to put it up on
20 Facebook.

21 Did this person get an HR1? No, they did not.
22 Did anybody from that board condemn him? Show me the
23 proof.

24 I don't hate no one because that's not the God
25 I serve. I may not like your ways, but I don't hate

1 nobody. I don't even hate my ex-wife. But some of us
2 do hate. And the hate that I have been on the receiving
3 end from some of these Local 1000 board members is
4 incredibly high.

5 They have me holding a rifle. How is that
6 racial? Because they have me being portrayed as being
7 angry and out of control, and then I'm holding a rifle
8 as if I'm going to shoot somebody.

9 How many trials do we have in America where,
10 quote, "black men are shooting white people" except for
11 those exceptions to the rule?

12 Sir, you're trying to cut me off in ten
13 minutes. I thought I would be allowed to make my
14 opening statement. Because I am clearly showing that
15 this, all of this, is meritless. And you have to
16 understand the racial aspect along with the political
17 aspect to understand deeply how meritless this is. So,
18 thank you, but I want to continue.

19 Number 6, certain media outlets have portrayed
20 me as being the controversial black man that is solely
21 responsible for his problems, which supports the racial
22 belief of an angry black man while never allowing a man
23 of color to be passionate outside the entertainment
24 arena of sports, music, movies, and in the field of
25 religion in his efforts to fight for all people for

1 substantial wages and for dignity in a union contract.
2 That's a fact.

3 The fact that African-Americans in positions
4 of leadership are held to a higher standard, that's a
5 fact.

6 These are facts. Now, some people won't
7 accept those as facts. But they are.

8 Number 7, by NHO La Rue limit ten witnesses to
9 highlight the multitude of lies and personal agendas by
10 VP Walls and others in their coordinated efforts to
11 remove me from office.

12 Again, I must state that I did a witness list
13 of 65 members after I personally narrowed it down from
14 100. But NHO La Rue refused to allow me the full
15 ability to show the voice of membership to clearly
16 exonerate me versus the select few who are trying to
17 destroy the democratic voice of membership with no
18 concrete evidence at all, no witnesses for Anica Walls
19 at all to substantiate anything she's talking about.
20 None. Those are facts.

21 It should also be noted that NHO La Rue has
22 refused to allow this hearing to be open to membership.
23 This is about Local 1000 Policy File 9.1.01, Procedure
24 for Institution of Internal Grievances that states the
25 following: "The hearing shall be open unless a request

1 for a closed hearing is made by the member whose actions
2 are alleged to have caused the grievance."

3 Since I lost my legal representation on
4 June 8th, 2022, because of financial reasons, I have
5 repeatedly demanded to have my hearings open. I
6 initially was talked into having my hearings closed by
7 my legal counsel when after I was admonished by NHO
8 La Rue in our first hearing conference in April about
9 having my hearing closed.

10 My attorney never consulted me on having my
11 hearing closed prior to that April hearing. Therefore,
12 I insisted after losing counsel my hearings be open to
13 no avail. So the idea that I'm being railroaded is
14 being built by fact, which is why I read about my
15 ten-point platform about transparency. Because I am the
16 transparent one. So I was staying consistent with my
17 ten-point platform that the voters voted on.

18 There is no valid reason or harm being
19 committed with having transparency unless -- unless
20 there is something to hide or conceal from the public.

21 Court hearings should be open. I'm not
22 ashamed of anything I've done as the leader of Local
23 1000. Information has leaked from these HR1 hearings
24 anyway. These hearings should be open. And if Anica
25 was so confident in her allegations, she would have

1 demanded that they be open and would have supported me
2 in having these hearings open to stop the speculation
3 that is going on.

4 Transcripts don't reveal -- let me repeat
5 that -- transcripts don't reveal the emotions or full
6 intent of words spoken in hearings. So I'm requesting
7 the Zoom videos of all these HR1 hearings, since I am
8 not allowed to have my hearings open to the public, for
9 informational and review purposes.

10 It should be noted that Anica ran for -- who
11 ran under the Members of Transparency and Change banner
12 in 2015, 2018, and 2021, did not support these HR1
13 hearings being open because she knows she is not telling
14 the truth. And membership knows this crucial fact as
15 well, about Anica's complete and comprehensive ability
16 to not tell the truth.

17 Again, Mr. La Rue, you're not allowing me to
18 make my opening statement. You're putting me on a
19 timeline and I'm making my opening statement, just like
20 you narrowed my witnesses down from 65 to 10. And
21 you're hindering my ability to defend myself. Because
22 I'm offering detailed facts.

23 VP Walls has made numerous salacious and
24 slanderous statements, and she has defamed my character
25 in her efforts to remove me as the Local 1000 president

1 and silence the voice of the voters.

2 Five different times she accused me of taking
3 a Local 1000 printer. This perpetuates the racist
4 stereotype that black people can't be trusted and will
5 always fail to get ahead. Yet, Anica can't provide any
6 factual evidence of this alleged theft of a printer.
7 This is just one quick example of her slanderous and
8 fictitious statements, which reflects her personal
9 vendetta to remove me through the HR1 process.

10 If Anica is fully committed to lying on
11 something as small as me taking a printer, then what
12 else is Anica willing to lie about in her calculated
13 efforts with others to remove me from elected office so
14 she can be the new, non-elected Local 1000 president.

15 Another example of Anica's meritless HR1
16 allegations is that I'm selfish and all-powerful to her
17 recent August 20th to 28th vacation to Norway on
18 members' money, stating it was to help members obtain a
19 better contract.

20 Well, Anica was told by Local 1000 leadership
21 that this trip was ill-timed and not warranted. But
22 true to nature, true to form, Anica refused to listen to
23 wise advice because of her selfishness and personal,
24 self-serving agendas. Therefore, she vehemently
25 disagreed to being financially disciplined in regards to

1 Local 1000 spending and to her fiduciary responsibility
2 as a Local 1000 VP of organizing/representation and
3 board member. This has caused great discredit to the
4 Union in its efforts to increase membership.

5 She convinced her running mate, VP David
6 Jimenez, to approve this trip while never in advance in
7 front of the board or membership of this membership-paid
8 vacation. She knew for several months of this vacation
9 to Norway.

10 So here is the real reason why she tried to
11 rush through this HR1 process before she left for her
12 European vacation on membership dues.

13 Anica's vacation arrogance can cause an
14 embarrassment for Local 1000 and has caused an
15 embarrassment for Local 1000 and to the consternation of
16 the majority of the Local 1000 board.

17 Board members have asked her why. But she
18 feels she's too smart, too educated, and too above the
19 board to answer these financial questions. Yet she
20 accuses me of financial malfeasance.

21 Where is the accountability for Anica filing
22 her meritless allegations while she takes European
23 vacations?

24 Anica deceptively doesn't inform anyone where
25 is the policy file that the Local 1000 president can

1 suspend the duties of the three VPs because she used the
2 same 9.0.03 section when she and the other MTC VPs tried
3 in 2018, within seven months of being elected, to
4 suspend the former Local 1000 president. That's a fact.

5 However, the current chief counsel, Anne
6 Giese, lends her support -- lends support suspending
7 President Yvonne Walker in 2018 but, ironically, now
8 supports suspending me because of internal politics.
9 Anica playing her hustle games to validate her personal
10 feelings and vendetta against me.

11 Personal vendetta, yes. She admitted she
12 tried to talk me out of running for president in 2021
13 because she feels that I'm not good enough. She
14 admitted that. But yet the membership disagreed with
15 her. But she doesn't care about the membership. She
16 only cares about herself.

17 What Anica doesn't inform anyone is the truth.
18 So even on the "Speak on the Truth" and "Straight Talk"
19 that she does, she doesn't tell these people the real
20 story about her malicious attempt to destroy the voice
21 of membership regarding the election of a Local 1000
22 president and her actions to remove me. She doesn't
23 talk about that.

24 She has deliberately failed to mention she
25 never had a Local 1000 authorized platform to speak to

1 stewards until I provided her that unique venture that
2 allowed her to better do her job.

3 Facts can only be offered in a limited view on
4 complex situations. So one must know the background
5 regarding the facts to truly understand the situation
6 and its mitigating factors in order to discover the
7 answer to a problem or allegation. Local 1000 is a
8 complex situation, based on political power and
9 intrigue. So let me offer a quick view which will
10 illuminate why Anica's HR1 meritless allegations are a
11 complete sham.

12 For the last couple of decades, information
13 has moved faster and farther than ever before. Today, a
14 person's credibility is often judged by social media.
15 And that can be good or bad.

16 This -- thank you for the extra five minutes.
17 I didn't get a chance to read my entire opening
18 statement. I feel this is a disservice to me. I hope
19 that's on the record. Let me state this.

20 This is a tragedy in America -- a travesty, a
21 tragedy, a terrible moment in America. In summary, this
22 is another American tragedy of a black man being
23 persecuted for no reason except that doesn't have
24 anything to do with fighting for equal rights for
25 Americans. No, this is about me fighting for justice,

1 financial justice and respect for people of all races.
2 And for me to cut off before I can read my whole
3 statement, that's an injustice.

4 We understand that racism that affects
5 African-Americans is far greater than racism that other
6 minorities are affected by due to the fact of how many
7 African-Americans arrived in this country. The cops
8 being called to my house is another reminder of racism.

9 The fact that, as the first duly elected Local
10 1000 president black man and I have the legal powers to
11 run the largest public sector union in California, I am
12 not being given this legal right due to racism and
13 politics. And the policy file clearly lays out that I
14 have the power to run the day-to-day operations of Local
15 1000. But when you're going against the status quo,
16 they'll use anything they can to remove those powers
17 from you.

18 You know, I sincerely hope that justice based
19 on only the facts will prevail and overcome these ten
20 extremely meritless HR1 allegations. I sincerely hope
21 that these meritless allegations will be quickly
22 dismissed for not having any merit.

23 Let me be crystal clear. Elections have
24 consequences. And we must not overturn the voice of
25 voters based on racial prejudice, political differences,

1 and an undying hunger for power and prestige.

2 So this is not a straightforward case of
3 accountability. That's what they want you to believe.
4 Like they have told me, African-Americans, because your
5 accountability -- or your lack of accountability for why
6 you can't be successful in America. We've heard that
7 racist argument before.

8 This doesn't have to remain a sad but true
9 story about America's lack of accountability regarding
10 racism and politics in the land of the free and the home
11 of the brave.

12 Please do the right thing and end this
13 fabrication of evilness. Please let truth and justice
14 prevail. Because history is always watching and
15 recording our decisions and actions.

16 Sometimes the toughest things in life is to
17 remain true to your platform, to your foundation. I've
18 often heard that when people reach power -- positions of
19 power and prestige, they change. They don't do what
20 they said they were going to do. That's called
21 politics. And the big reason why I was elected, because
22 I said I'm not a politician. I stayed true to my
23 platform. I've stayed true to my love for being from
24 the African-American community. And even though I've
25 been asked to not make this a racial situation, "Don't

1 make this a political situation," it's the truth. And
2 sometimes the truth will set you free. For eternal life
3 it always sets you free. I'm asking for a measure of
4 respect.

5 I will stop two minutes before 5:05. I didn't
6 get a chance to read my entire opening statement, but I
7 still appreciate you giving me the opportunity to read
8 what I could read. Thank you, sir.

9 THE HEARING OFFICER: Thank you, Mr. Brown.
10 That concludes the Charged Party's opening statement.

11 We will resume this hearing on Wednesday,
12 September 6th, and the Charged Party -- 7th -- my
13 correction. And the Charged Party will be prepared to
14 go forward.

15 MR. BROWN: One last question.

16 THE HEARING OFFICER: Yes.

17 MR. BROWN: Some of my witnesses can't speak
18 until 4:00 o'clock, and some can't speak until
19 12:00 o'clock on Wednesday, September 7th.

20 THE HEARING OFFICER: Arrange your witnesses
21 accordingly. We're going to start at the time
22 appointed. Work it out. You've known this time.

23 MR. BROWN: Right, because of their work
24 schedule, some of my witnesses can't speak until after
25 4:00.

1 THE HEARING OFFICER: You have other
2 witnesses?

3 MR. BROWN: Yes, sir.

4 THE HEARING OFFICER: We will proceed as
5 scheduled.

6 Mr. Brown, if you will be -- I won't ask you
7 to declare. If you will be testifying on your own
8 behalf, someone will have to be the questioner. It may
9 not be you.

10 Do you understand that?

11 MR. BROWN: Yes, sir. Do I need to tell you
12 now, or do I wait until September 7th to tell you if I'm
13 going to be testifying or not?

14 THE HEARING OFFICER: So long as you're going
15 to testify, you have to make the decision -- you'll have
16 to make it before then -- but you will have to have
17 someone prepared to be the questioner on the day that
18 you testify. I will not adjourn the hearing for you to
19 find someone.

20 MR. BROWN: Yes, sir.

21 THE HEARING OFFICER: Is there anything else
22 before I close for today?

23 Mr. Andonian?

24 MR. ANDONIAN: No, sir. Thank you.

25 THE HEARING OFFICER: Thank you, everyone, for

1 your patience. Have a good holiday. Be safe.

2 (Proceedings adjourned at 5:07 p.m.)

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I, ROSE GONI DAVIS, a Certified Shorthand Reporter of the State of California, authorized to administer oaths, do hereby certify:

IN WITNESS WHEREOF, I hereby certify this transcript at my office in the County of Sacramento, State of California, 6th of September, 2022.

ROSE GONI DAVIS, CSR NO. 8760
Certified Shorthand Reporter of
the State of California

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SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE

LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

--oOo--

IN THE MATTER OF THE)
PROCEEDING BETWEEN)
)
MICHAEL GUSS, DISTRICT LABOR)
COUNCIL 794; ANICA WALLS,)
VICE PRESIDENT FOR)
ORGANIZING AND) Amended Internal
DISPUTE REPRESENTATION; SERVICE) 22-02-HR1
EMPLOYEES INTERNATIONAL)
UNION ("SEIU"); LOCAL 1000,) Internal Dispute
SEIU,) 22-03-HR1
)
Charging Parties,) NHO FILE NO.:
) 220316-BROW
-AND-)
)
RICHARD LOUIS BROWN,)
PRESIDENT (SUSPENDED);)
SERVICE EMPLOYEES)
INTERNATIONAL UNION)
("SEIU"); LOCAL 1000, SEIU,)
)
Charged Party.)
)
RE: Disciplinary Charges)
)

--oOo--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WALLS HEARING, DAY 3

Wednesday, September 7, 2022

Pages 527 - 723

**CERTIFIED
TRANSCRIPT**

22-299

Stenographically Reported By:

ROSE GONI DAVIS, CRR/RMR, CSR 8760



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SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE
LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

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IN THE MATTER OF THE)
PROCEEDING BETWEEN)
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COUNCIL 794; ANICA WALLS,)
VICE PRESIDENT FOR)
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RICHARD LOUIS BROWN,)
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1 APPEARANCES

2 (All parties appearing remotely)

3
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25 Also Present:

ANICA WALLS, Charging Party

BETTY GRDINA, Neutral Case Adviser
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Lisa Mattson, Zoom Host

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EXHIBITS

(No Exhibits Marked/Admitted)

1 BE IT REMEMBERED that on Wednesday, September 7,
2 2022, commencing at the hour of 10:02 a.m. PST, via Zoom
3 videoconference, before me, ROSE GONI DAVIS, a Certified
4 Shorthand Reporter of the State of California, the
5 following proceedings took place as hereinafter set
6 forth.

7 ---o0o---

8 THE HEARING OFFICER: Good morning to everyone
9 on the West Coast. Afternoon to those of us on the East
10 Coast.

11 MR. ANDONIAN: Good afternoon.

12 THE HEARING OFFICER: We're on the record.
13 Today is September 7th, 2022. My name is Homer La Rue,
14 and I am the neutral hearing officer in the matter of
15 Guss, et al., and Richard Louis Brown, president,
16 suspended. This is the third day -- second day of
17 hearing in the Walls --

18 MS. GRDINA: Third.

19 THE HEARING OFFICER: -- third day of hearing
20 in the Walls charge.

21 Beginning with the charging party and counsel,
22 please enter your appearance on the record.

23 MS. WALLS: Anica Walls. I am present.
24 Thank you.

25 MR. ANDONIAN: Good afternoon. Phil Andonian

1 on behalf of Anica Walls, present.

2 THE HEARING OFFICER: Mr. Brown, the charged
3 party, please enter your appearance on the record.

4 MR. BROWN: Richard Louis Brown, present.
5 Ms. Lynch is not here.

6 THE HEARING OFFICER: Mr. Roque.

7 MR. ROQUE: Good morning. Derick John Roque,
8 assistant to President Brown, present.

9 THE HEARING OFFICER: And the neutral case
10 adviser will enter her appearance on the record.

11 MS. GRDINA: This is Betty Grdina, the neutral
12 case adviser, present.

13 THE HEARING OFFICER: Let the record reflect
14 that SEIU is hosting this meeting, this hearing.

15 Are we waiting for anyone else, Mr. Brown?

16 MR. BROWN: No, we're not.

17 THE HEARING OFFICER: All right. Mr. Brown,
18 who will be the first witness in your case?

19 MR. BROWN: Before we go to my first witness,
20 if we don't get to all my witnesses today, will we get
21 at least one extra day?

22 THE HEARING OFFICER: We'll deal with that
23 when we get to it. Who is your first witness today?

24 MR. BROWN: All right. So my first witness
25 will be a Rick Rocha, and I will text him now.

1 THE HEARING OFFICER: Please get him into the
2 waiting room.

3 MR. ANDONIAN: While we're waiting for that,
4 Mr. La Rue, may I just raise one very hopefully
5 pedestrian preliminary matter. If we are able to take a
6 lunch break today at around ten after 3:00 Eastern time,
7 I would greatly appreciate it. I have to pick my son up
8 from track practice, if at all possible.

9 THE HEARING OFFICER: Is there any objection
10 to a lunch break at 3:00 o'clock -- noon California
11 time, 3:00 o'clock Eastern time?

12 MR. BROWN: Yes. I have one question. I
13 don't have a problem with that. One of my witnesses
14 wanted to testify at noon Pacific time. So we'll be
15 taking an hour lunch break? If that's the case, then
16 I'll contact her and say that she may not be able to
17 testify today.

18 THE HEARING OFFICER: Mr. Andonian, how long
19 do you need for your break? I would anticipate we would
20 take a 45-minute lunch break. Would that be a
21 sufficient amount of time for you to take care of
22 picking up your son?

23 MR. ANDONIAN: That would. I don't need to
24 get him until 3:30 Eastern. I'm happy to push it until
25 3:15, if that helps any with Mr. Brown's witness. And I

1 don't think I will be more than 45 minutes.

2 THE HEARING OFFICER: All right. Let's take
3 the break at 3:15 Eastern, 12:15 California time.

4 Mr. Brown, adjust your witness who was
5 scheduled to testify at noon to that schedule.

6 MR. BROWN: Thank you.

7 MR. ANDONIAN: Thank you, everyone. I
8 appreciate that.

9 THE HEARING OFFICER: While we're waiting for
10 the -- for Mr. Brown's first witness, let me repeat
11 what's already been placed in a number of orders in
12 terms of protocol for today and any other future
13 hearings that might take place.

14 Beginning with Order Number 22 and including
15 Order 24, 26, the hearing officer permitted
16 Mr. Brown to proffer ten witnesses in his case.

17 In Order Number 22 and repeated in Orders 24
18 and 26, specifically in Order 22, the hearing officer
19 wrote -- that is, me -- that I retain the discretion to
20 avoid unnecessary proof and cumulative evidence and may,
21 therefore, eliminate or limit any testimony that is
22 irrelevant to the issue or is redundant.

23 I indicate that, while there are ten witnesses
24 proffered by Mr. Brown, that is not a guarantee that ten
25 witnesses will be called. If I find that the subsequent

1 witnesses's testimony will be redundant -- that is,
2 repetitious of what has already been testified to --
3 then I will take the appropriate action with regard to
4 that.

5 Mr. Brown, you do not have to designate
6 whether you are testifying or not, but I repeat that, if
7 you are going to testify, then someone else will have to
8 ask questions of you. You may not simply give a
9 narrative testimony.

10 And I remind you that if someone is going to
11 examine you on direct examination, that person is
12 precluded from asking leading questions. A leading
13 question is one in which the answer is in the question.

14 Are there any questions about what I just
15 indicated is the protocol for our going forward? Very
16 well.

17 Mr. Brown, Ms. Lynch is in the waiting room.
18 Do you want her admitted?

19 MR. BROWN: (Nodding head.)

20 THE HEARING OFFICER: Would you please admit
21 Ms. Lynch.

22 And have you contacted your first witness,
23 Mr. Brown? I don't see him in the waiting room.

24 You're muted, Mr. Brown.

25 MR. BROWN: Yes. And he's stating he has to

1 wait for the host to let him in.

2 THE HEARING OFFICER: No, he's not in the
3 waiting room. Not yet. The only person we see in the
4 waiting room is Darin Stahl.

5 MR. BROWN: All right. One moment.

6 THE HEARING OFFICER: Ms. Lynch, do you have
7 video? Please turn on your video.

8 Good morning, Ms. Lynch. Please enter your
9 appearance on the record, Ms. Lynch. You have to
10 unmute.

11 MS. LYNCH: Ebie Lynch.

12 THE HEARING OFFICER: And your position --
13 please -- well, I'll add it.

14 Ms. Lynch, you're an assistant to Mr. Brown in
15 this proceeding; correct?

16 MS. LYNCH: Correct.

17 THE HEARING OFFICER: Very well. Thank you.

18 Mr. Brown, is your witness having a problem
19 signing in?

20 MR. BROWN: I just sent him a text saying
21 "They don't see you in the waiting room." He hasn't
22 responded back yet. Give me one moment.

23 MR. ANDONIAN: I'm just stepping away from the
24 camera for just one moment.

25 THE HEARING OFFICER: Very well.

1 (Pause in proceedings.)

2 THE HEARING OFFICER: Mr. Brown, please reach
3 out to your witness again.

4 Mr. Brown.

5 MR. BROWN: Yes. Since he's having a problem,
6 I would rather just go on to Darin that's in the waiting
7 room, and then we'll come back to Rick Rocha.

8 THE HEARING OFFICER: Quite acceptable.

9 Please bring Mr. Stahl --

10 Is it Stahl or Martinez?

11 MR. BROWN: It is Stahl Martinez. He has two
12 last names.

13 THE HEARING OFFICER: Very well. Please admit
14 him to the hearing room.

15 Ms. Lynch, we need your camera on.

16 MS. LYNCH: I'm not able to see anybody -- a
17 few of the other individuals. Is it my computer or --

18 THE HEARING OFFICER: Yes, it is. We're
19 seeing everybody. It's on your end.

20 MS. LYNCH: Okay. Okay.

21 THE HEARING OFFICER: Mr. Stahl, please turn
22 on your video.

23 MR. BROWN: Can we please have the email
24 re-sent to Rick Rocha?

25 THE HEARING OFFICER: Have what sent?

1 MS. GRDINA: The link.

2 THE HEARING OFFICER: The link.

3 MR. BROWN: Can we have that email re-sent
4 with the link?

5 THE HEARING OFFICER: Lisa, could you resend
6 it to Rocha?

7 MS. MATTSON: Yes. It's re-sent now.

8 THE HEARING OFFICER: Thank you.

9 Mr. Stahl, we need your camera on.

10 MR. STAHL: Yeah, I'm going to have to log out
11 and then log back in because my video is off for some
12 reason right now. So I'll be right back. Thank you.

13 THE HEARING OFFICER: I remind everyone, under
14 our protocol, there should be no one in the room with
15 you unless you have designated to the hearing officer
16 that there is someone. And then that person should be
17 identified.

18 Hearing nothing, I am taking it that there is
19 no one in a room with any of the representatives who are
20 now on the screen.

21 MS. WALLS: That's correct.

22 THE HEARING OFFICER: Mr. Stahl -- is it
23 Mr. Stahl or Martinez? Please unmute.

24 MR. STAHL: It is Darin Stahl, S-t-a-h-l.

25 THE HEARING OFFICER: I'm sorry for the

1 redundancy, but please restate your full name and spell
2 it for the record.

3 MR. STAHL: Yeah. Darin Stahl. First name is
4 spelled D-a-r-i-n, last name is S-t-a-h-l.

5 THE HEARING OFFICER: All right, Mr. Stahl.
6 My name is Homer La Rue. I am the neutral hearing
7 officer. You will see on the screen the other parties
8 who are in this hearing. I'm going to ask each of them
9 to identify themselves for you so that you'll know who
10 is here.

11 Working with me is the neutral case adviser.

12 MS. GRDINA: Hello. I'm Betty Grdina.

13 THE HEARING OFFICER: There is a court
14 reporter.

15 And the charging party and Counsel, please
16 introduce themselves.

17 MS. WALLS: Anica Walls, vice president for
18 representation and organizing. Hi, Darin.

19 MR. STAHL: Hello.

20 MR. ANDONIAN: Good afternoon, Mr. Stahl. My
21 name is Phil Andonian. I represent Ms. Walls.

22 MR. STAHL: Nice to meet you.

23 THE HEARING OFFICER: Mr. Brown's assistants,
24 beginning with Mr. Roque.

25 MR. ROQUE: Good morning. Derick John Roque,

1 assistant to President Brown. Morning, Darin.

2 MR. STAHL: Good morning.

3 THE HEARING OFFICER: Ms. Lynch.

4 MS. LYNCH: Good morning. Ebie Lynch,
5 assistant to President Brown.

6 MR. STAHL: Good morning.

7 THE HEARING OFFICER: Of course, you know
8 Mr. Brown.

9 Mr. Brown, you'll be conducting the direct
10 examination of this witness; is that correct?

11 MR. BROWN: Yes.

12 THE HEARING OFFICER: Mr. Stahl, a few
13 preliminary questions before we begin direct
14 examination. What will happen here today is that
15 Mr. Brown will ask you questions on direct examination.
16 Following that, Mr. Andonian will have the opportunity
17 to ask you questions on cross-examination.

18 Are you in a space where no one can hear your
19 testimony?

20 MR. STAHL: Currently, yes.

21 THE HEARING OFFICER: Is there anyone in the
22 space with you?

23 MR. STAHL: No, sir.

24 THE HEARING OFFICER: Do you have any
25 documents in front of you pertaining to this matter?

1 MR. STAHL: Just my own personal notes.

2 THE HEARING OFFICER: Please turn them over
3 and do not refer to them unless Mr. Brown asks you to
4 refer to them or Mr. Andonian asks you to refer to them.

5 Do you have any material pertaining to this
6 case on any electronic device? A tablet? A computer?
7 A cell phone?

8 MR. STAHL: No, sir.

9 THE HEARING OFFICER: All right. Do you have
10 any questions about how we're going to proceed?

11 MR. STAHL: Not at this moment and time.

12 THE HEARING OFFICER: Very well. Please raise
13 your right hand to be sworn in.

14 Do you swear that the testimony you are about
15 to give in this proceeding will be the truth and the
16 whole truth?

17 THE WITNESS: Yes, it will.

18 THE HEARING OFFICER: Thank you.

19 DARIN STAHL,
20 called as a witness on behalf of the Charged Party
21 Brown, was sworn and testified as follows:

22 THE HEARING OFFICER: Mr. Brown, you may
23 proceed.

24 ///

25 ///

DIRECT EXAMINATION

BY MR. BROWN:

Q. All right. Good morning, Darin.

A. Good morning.

Q. All right. So here's my first question. Did I ever have the Local 1000 headquarter's doors --

THE HEARING OFFICER: Mr. Brown, that is a leading question. You are examining this witness on direct. You may not use leading questions. You may ask the witness what happened on the given day, but that's all you may ask. He will then recount, and then you may ask additional questions.

BY MR. BROWN:

Q. Okay. What happened on March 5th, 2021?

A. As far as from what my best recollection is, is that we had a meeting scheduled there -- I believe a board of directors meeting on that day -- and that there was an organized -- I wouldn't say organized -- a picket for membership to basically picket and diffuse as far as the situation that was going on with the board of directors and the vice presidents on that day at the Union hall.

Q. Do you recall anything else on March 5th as far as the building is concerned?

A. As far as the building itself during the whole

1 day? That it was occupied off and on by board of
2 directors. It was occupied off and on by the VPs. It
3 was occupied off and on by yourself and also occupied by
4 members of Local 1000.

5 Q. Were people able to enter the building that
6 day?

7 A. Yes, they were.

8 Q. All right. Did the Sacramento Fire Department
9 issue me any fire code violations that day?

10 A. To the best of my recollection, none was
11 issued.

12 Q. All right. Did I prevent staff from coming to
13 work at the headquarters --

14 THE HEARING OFFICER: Mr. Brown, you're
15 leading.

16 BY MR. BROWN:

17 Q. Was staff able to come to work on March 5th?

18 A. As far as from what I heard and from
19 discussions, staff was not -- not disallowed from coming
20 into the office on that day.

21 Q. Regarding March 5th, were Local 1000 members
22 able to go to that building that day?

23 A. Yes, they were.

24 Q. Do you recall any information about any breach
25 of the offices on March 5th?

1 A. There was some allegations on social media
2 that had been put out -- or placed out by various
3 factions of folks that were in the periphery.

4 Q. Were there any allegations that members were
5 trespassing in the building on that day?

6 A. I don't know how members can trespass into a
7 building that they're a membership of.

8 THE HEARING OFFICER: Mr. Stahl, you have to
9 answer the question as it's posed.

10 THE WITNESS: Okay. Then go ahead and repeat
11 the question for me again.

12 BY MR. BROWN:

13 Q. I'm sorry. Were there any allegations that
14 members were trespassing in the building on March 5th?

15 A. As far as allegations, yeah, there were, by
16 various parties.

17 Q. Could you elaborate on your opinion about
18 these allegations?

19 A. So there were allegations by a few factions
20 within the board of directors. There was allegations
21 from some of the vice presidents that there had been
22 trespassing. And there had been -- some of that
23 reporting was also placed out to the media. By who, I
24 don't know specifically. But it was placed out there
25 that members had trespassed at their facility.

1 Q. Follow-up question. In your opinion, this
2 information that --

3 THE HEARING OFFICER: Not opinion. Not
4 opinion. His personal knowledge.

5 BY MR. BROWN:

6 Q. Okay. Your personal knowledge, when the media
7 reported on March 5th, do you feel it was biased against
8 me?

9 THE HEARING OFFICER: Not what he feels. What
10 he knows.

11 BY MR. BROWN:

12 Q. Do you know that the media was biased against
13 me on March 5th?

14 THE HEARING OFFICER: You must ask the
15 question. The question must not contain the answer.

16 BY MR. BROWN:

17 Q. All right. So do you know that the media was
18 biased against me --

19 THE HEARING OFFICER: Mr. Brown, that's
20 another leading question. The answer is in the
21 question.

22 BY MR. BROWN:

23 Q. So what was the opinion of people on March 5th
24 regarding the media?

25 MR. ANDONIAN: Objection. Vague.

1 THE WITNESS: I didn't hear that comment.

2 THE HEARING OFFICER: Let me clarify
3 something, first of all, in terms of procedure.

4 Mr. Andonian, who represents Ms. Walls, may
5 object to a question as posed by Mr. Brown. When an
6 objection is made, please cease answering the question
7 until I've ruled on the objection.

8 THE WITNESS: Sure. No problem.

9 THE HEARING OFFICER: Do you understand?

10 Mr. Brown, the objection is that the question
11 is vague. Do you have a response?

12 MR. BROWN: What I'm trying -- I'm asking a
13 direct question, what was the opinion of members
14 regarding the media portrayal of March 5th.

15 THE HEARING OFFICER: That's a slightly
16 different --

17 I'm going to allow it, Mr. Andonian.

18 MR. BROWN: Thank you.

19 THE WITNESS: As far as from the media, I know
20 that particular writer at that newspaper has been very
21 one-sided in his viewings and his descriptions as far as
22 what's been going on at Local 1000 at least for over a
23 year. I've tried several times to contact that reporter
24 myself also to have some open discussions and provide
25 some additional insights to only be rebuked and ignored

1 when asked to, you know, basically provide some
2 additional insight.

3 So, yeah, as far as how the article was
4 written and how it was reported, I personally feel and
5 some other members that I engaged with prior did feel
6 that the reporting is biased and one-sided from that
7 particular individual at that outlet.

8 BY MR. BROWN:

9 Q. Can you please provide one example in the past
10 year where the media was being biased?

11 A. Definitely. I mean --

12 THE HEARING OFFICER: Mr. Andonian, you're --

13 MR. ANDONIAN: Sorry. I'm going to object to
14 relevance. And this is also, at some point, veering
15 into speculation and improper opinion.

16 THE HEARING OFFICER: The witness has already
17 testified as to an article he read and what -- his
18 opinion. I don't know that I need an example. He's
19 already said in his opinion the writer was biased.
20 Objection sustained.

21 BY MR. BROWN:

22 Q. Was anyone charged with criminal trespassing
23 on March 5th, 2022?

24 A. On that -- pardon me. On that day?

25 Q. Yes.

1 A. Not that I know of, and I don't believe so.

2 Q. Was anyone charged after that day for criminal
3 trespassing?

4 A. Not that I know of, and I don't believe so. I
5 didn't see anything published.

6 Q. Was there any reporting that on March 5th
7 there was a civil dispute over who was in charge of
8 Local 1000?

9 A. At that time, yes, there was a reporting of
10 the dispute between the presidency and also the VPs and
11 also a faction within the board of directors -- excuse
12 me -- within the board of directors.

13 Q. Did the confusion over who was leading
14 Local 1000 on March 5th, did that cause confusion with
15 the membership?

16 A. Most definitely, yes.

17 MR. ANDONIAN: Objection. Calls for
18 speculation.

19 THE HEARING OFFICER: Objection is sustained.
20 There is no basis that this witness knows what was in
21 the minds of the membership.

22 MR. BROWN: NHO La Rue, can I ask what was in
23 his mind over who was leading the Union that day?

24 THE HEARING OFFICER: You can. I don't know
25 what help it is to me in making a decision, but you may

1 ask the question.

2 BY MR. BROWN:

3 Q. So, Darin, in your mind, who was leading the
4 Union on March 5th?

5 A. On March 5th, as far as I was concerned and
6 looking from several publications from the Union, at
7 that time it would have been yourself was in charge.
8 But the Union itself was reporting that it had
9 internally taken some actions to basically nullify your
10 powers as a president at that time through an action
11 that was, in my opinion, not legal and not within the
12 policy file that was taken by the vice presidents.

13 MR. ANDONIAN: Objection. Nonresponsive.

14 THE HEARING OFFICER: It's beyond your
15 competence to know whether it was legal or not. I'm
16 going to strike that part of it. The rest of it stands.

17 Move on, Mr. Brown.

18 BY MR. BROWN:

19 Q. Were you aware that Local 1000 had to use
20 significant resources on that day, on March 5th?

21 A. No, I was not.

22 Q. Who was responsible for Local 1000 members
23 going to peacefully protest at Local 1000 headquarters
24 at March 5th through the 10th?

25 MR. ANDONIAN: Objection. Leading.

1 THE HEARING OFFICER: Sustained.

2 BY MR. BROWN:

3 Q. What, in your opinion, was the attitude of the
4 members who went down to protest on March 5th?

5 A. As far as the members were concerned, we felt
6 that the actions that were being orchestrated by a few
7 people within the board of directors and their influence
8 over the vice presidents was definitely unethical, was
9 not per the policy file, and also was not per California
10 Corporations Codes.

11 Q. Do you know who led the members on March 5th
12 to go to the building, the Local 1000 headquarters
13 building?

14 A. It wasn't just one person. It was several of
15 us that were engaging with each other. We just felt
16 that it was not an adequate course of action that was
17 being pursued by a minority portion of the board and,
18 also, by the vice presidents.

19 Q. Do you know of anyone who went down there on
20 March 5th to take over Local 1000 headquarters to
21 personally benefit him or her, herself?

22 MR. ANDONIAN: Objection. Leading.

23 THE HEARING OFFICER: Sustained.

24 BY MR. BROWN:

25 Q. So let me ask the question like this. Did

1 anyone gain personal benefit on March 5th regarding
2 Local 1000 headquarters building?

3 THE HEARING OFFICER: No basis for the witness
4 to know that answer. There is no evidence -- there are
5 no facts upon which that witness could proffer an
6 answer.

7 THE WITNESS: Can I get a quick ten-second
8 break to get a drink of water?

9 THE HEARING OFFICER: Yes, you may. Leave
10 your camera on.

11 THE WITNESS: Camera is staying on. Has a
12 mind of its own.

13 Thank you.

14 THE HEARING OFFICER: Thank you.

15 Mr. Brown, next question.

16 BY MR. BROWN:

17 Q. Darin, did you personally benefit from the
18 actions that took place on March 5th?

19 A. No, not at all.

20 Q. On March 5th, did you seek to control the
21 union's building and assets for your own personal power?

22 MR. ANDONIAN: Objection. Leading.

23 THE HEARING OFFICER: Sustained.

24 BY MR. BROWN:

25 Q. On March 5th, does it appear that anyone tried

1 to seek control of the building for their own personal
2 benefit?

3 THE HEARING OFFICER: Vague. "Anybody," what
4 does that mean?

5 BY MR. BROWN:

6 Q. That any of the Local 1000 members who went on
7 March 5th, did they try to seek to control the building
8 for their own personal benefit?

9 THE HEARING OFFICER: No facts upon which this
10 witness could make that -- could answer that question.
11 There is nothing that -- Mr. Brown, what you want to
12 elicit from this witness is what this witness knows from
13 his personal knowledge.

14 BY MR. BROWN:

15 Q. Okay. So, Darin, on March 5th through the
16 10th, did anyone try to exercise their powers over the
17 Local 1000 headquarters building?

18 MR. ANDONIAN: Objection. Vague as to
19 "exercise their powers." There is no basis for his
20 knowledge.

21 THE WITNESS: I'm sorry. I couldn't hear the
22 objection. His audio cut out.

23 THE HEARING OFFICER: The objection is
24 sustained.

25 MR. BROWN: So let me rephrase the question.

1 BY MR. BROWN:

2 Q. Darin, from your personal knowledge, did I try
3 to exercise my powers to terminate multiple staff
4 members between March 5th through March 10th?

5 MR. ANDONIAN: Objection. Leading and
6 compound.

7 THE HEARING OFFICER: Sustained.

8 MR. BROWN: All right. Let me try to ask it
9 like this.

10 BY MR. BROWN:

11 Q. Darin, from your personal knowledge --

12 THE HEARING OFFICER: Mr. Brown, I don't mean
13 to interrupt, but it's not just his personal knowledge.

14 MR. BROWN: Okay.

15 THE HEARING OFFICER: You cannot put the
16 answer that you're seeking into the question. This is
17 direct examination. You can do that if you're
18 cross-examining, but you cannot do it on direct
19 examination.

20 MR. BROWN: So, NHO La Rue, what I'm
21 attempting to do --

22 THE HEARING OFFICER: It doesn't matter what
23 you're attempting to do. It's the form of the question.
24 You are on direct examination of this witness. That
25 means that you may not ask leading questions of this

1 witness. And it means that you're eliciting facts from
2 this witness based upon this witness's personal
3 knowledge. Both of those must be true with regard to
4 the questions that you're asking of him.

5 MR. BROWN: So then, if that's the case, if
6 all these allegations are made against me, how am I
7 going to dispute the allegations if I can't ask him
8 direct questions?

9 THE HEARING OFFICER: I didn't say you
10 couldn't ask direct questions. I said the question may
11 not contain the answer that you are seeking.

12 MR. BROWN: What I'm trying to ascertain is,
13 if I'm asking him a question and he's answering the
14 question, how did I put the answer in the question?
15 That's what he's trying to figure out too.

16 THE HEARING OFFICER: No, that is not.

17 MR. BROWN: Okay.

18 THE HEARING OFFICER: You may ask him what he
19 knows: who, what, when, or where. And stop there.

20 BY MR. BROWN:

21 Q. Okay. On March 5th, Darin, I'm going to ask
22 you one single question: From your knowledge, what do
23 you know happened on March 5th? And just take your time
24 and explain.

25 THE HEARING OFFICER: Asked and answered.

1 That's what you've been asking. That's what he's been
2 testifying to.

3 MR. BROWN: Right, but when I --

4 THE WITNESS: As far as from my --

5 THE HEARING OFFICER: No, no, Mr. Stahl.

6 THE WITNESS: Okay.

7 BY MR. BROWN:

8 Q. On March 5th --

9 THE HEARING OFFICER: Go ahead.

10 BY MR. BROWN:

11 Q. Okay. On March 5th, Darin, was there any
12 attempt to control that building on March 5th, to the
13 best of your knowledge?

14 A. To the best of my knowledge, to control it,
15 no.

16 Q. All right. Did Local 1000 send out emails
17 stating --

18 THE HEARING OFFICER: Ask him what Local 1000
19 did, not whether they sent out emails.

20 BY MR. BROWN:

21 Q. Okay. Did Local 1000 send out emails --

22 THE HEARING OFFICER: Not did. What did
23 Local 1000 do on March 5th.

24 BY MR. BROWN:

25 Q. What did Local 1000 do concerning emails on

1 March 5th?

2 A. So concerning emails in regards to March 5th,
3 they had put out several statements that the board and
4 the vice presidents had taken actions to try to suspend
5 you from your presidency. And it was very one-sided.
6 There were no other items that were sent out in regards
7 to your side of the situation. And that's what was sent
8 out.

9 And then, also, the board of directors and VPs
10 were not taking any phone calls in regard to the
11 situations, nor was the MRC being receptive to phone
12 calls about the situation at all either.

13 Q. What did Local 1000 state regarding approving
14 leave regarding March 5th?

15 A. As far as that is concerned, I didn't see
16 anything that was put out officially by email through
17 their communication channels. But there were --

18 THE HEARING OFFICER: That's the answer,
19 Mr. Stahl. That's the answer.

20 THE WITNESS: The board of directors also
21 officially for SEIU as well?

22 THE HEARING OFFICER: Mr. Stahl, that wasn't
23 the question. You answered the question. Mr. Brown may
24 want to ask you about that.

25 ///

1 BY MR. BROWN:

2 Q. What was the board's opinion regarding
3 March 5th?

4 A. So the board's opinion as far as March 5th --

5 THE HEARING OFFICER: There is no basis for
6 this witness to know what the board's opinion would be.
7 You can ask him if the board put something out.

8 BY MR. BROWN:

9 Q. All right. Did the board -- did the board put
10 something out on March 5th regarding March 5th?

11 A. Within themselves, yes, they did.

12 Q. And what was that about?

13 A. Numerous items about them alleging that we
14 were there -- or folks were there to take over the
15 building. Numerous items as far as themselves
16 describing their own internal collusion to remove you
17 from your presidency by any means necessary, even if it
18 meant violating the policy file. They would always be
19 able to go back and change it when they could.

20 Q. A follow-up to that, were you able to speak to
21 any of these board members regarding March 5th?

22 A. Negative. They maintained silence in regards
23 to it and with regards to membership.

24 Q. Did any of the board tell you that I was
25 trying to replace --

1 THE HEARING OFFICER: What did the board say.
2 You're putting the answer in the question.

3 BY MR. BROWN:

4 Q. What did the board say regarding the
5 alleged -- the allegation that I was trying to replace
6 staff with members?

7 A. I'm sorry. There is some other background
8 noise. I couldn't hear the question. My apologies.

9 Q. Can you hear me now?

10 A. Yeah.

11 THE HEARING OFFICER: There is still
12 background noise coming from somewhere. I'm the only
13 one unmuted. Try it again. See if it clears up.

14 BY MR. BROWN:

15 Q. What did the board -- okay, Darin. What did
16 the board say regarding the allegation that I was trying
17 to replace staff with members on doing their jobs?

18 A. There was a rumor that several of the board
19 members had put out on social media in regards to
20 that -- excuse me -- in regards to that. I had heard
21 that there was some discussion amongst the board in
22 regards to their own internal board emails, that those
23 efforts were supposedly being done. But as far as from,
24 you know, being anything else other than that, I didn't
25 see or hear anything official that anybody was being

1 terminated.

2 Q. Do you feel you were treated fairly by the
3 board?

4 A. In this situation, no. The board is -- the
5 board and the vice presidents --

6 THE HEARING OFFICER: Mr. Brown.

7 MR. BROWN: Is that leading?

8 THE HEARING OFFICER: No. But I don't know
9 the point of the question with regard to what I'm
10 charged to do here.

11 MR. BROWN: Do you want me to explain it or
12 no?

13 THE HEARING OFFICER: No. It's irrelevant.
14 BY MR. BROWN:

15 Q. Okay. Darin, do you know any -- do you know
16 anybody on the board, any DLC president or BUNC chair?

17 A. Yes. I know several.

18 Q. All right. The board members that you know,
19 these several board members, do they treat you fairly?

20 A. Some do; some do not.

21 Q. I'll move on.

22 Was there any dispute over the terms of my,
23 quote, "disputed suspension"?

24 A. As far as from my recollection, yeah. One
25 faction feels, you know, that they were forced to

1 perform what they thought was correct through direction
2 of whoever they were taking direction from, which, from
3 what I understand from reading the emails that had gone
4 out and statements on the SEIU web page, is that, as far
5 as for you taking action the way you had in suspending
6 them prior to that date, as far as I am concerned and as
7 far as how I read the policy file, that the actions that
8 were taken by themselves prior were correct.

9 MR. ANDONIAN: Objection.

10 THE HEARING OFFICER: Mr. Stahl, hold on.

11 What's the objection, Mr. Andonian?

12 MR. ANDONIAN: That his opinion is irrelevant,
13 to the extent he's even able to give one.

14 THE HEARING OFFICER: Mr. Brown, respond.

15 MR. BROWN: The reason why I'm asking him for
16 his opinion --

17 THE HEARING OFFICER: Not the reason. Respond
18 to the objection.

19 MR. BROWN: He's a dues-paying member; so his
20 opinion matters.

21 THE HEARING OFFICER: It does not matter. I
22 am the one who has to determine what the policy file
23 means and how it applies to this matter. This witness
24 can have an opinion. And he's entitled to it. But that
25 is not what is going to govern here.

1 Objection sustained. Next question, please.

2 BY MR. BROWN:

3 Q. Was the staff collective bargaining rights
4 violated?

5 MR. ANDONIAN: Objection. Again, calls for an
6 improper opinion. Basis of knowledge. Irrelevant.

7 THE HEARING OFFICER: Sustained.

8 BY MR. BROWN:

9 Q. Do you feel that the staff was being treated
10 fairly?

11 A. In my opinion, under your direction, yes, they
12 have. Under the prior direction of the prior
13 administration, they haven't had a contract within ten
14 years. Under your administration, they were provided a
15 contract.

16 Q. Could you elaborate?

17 A. That reinforces our union values. When you
18 have a union that self-professes to be for the workers
19 and yet you have another union that works for you
20 without a working contract for over ten years, that is
21 not living up to your union values.

22 And the actions that you took to make sure
23 that they got time off, that they got a new contract,
24 that they got a pay raise, that reinforces the union
25 values that us at Local 1000 that voted for you

1 democratically do want to carry forward.

2 Q. Can you please elaborate to more detail on how
3 the staff was treated?

4 MR. ANDONIAN: Your Honor -- Mr. La Rue, I'm
5 going to object as to relevance. I'm also -- I'm happy
6 to give Mr. Brown some latitude, but this seems to be
7 outside the scope of what this witness is proffered for,
8 which was the allegations about the occupation of the
9 Union building.

10 THE HEARING OFFICER: I'm going to have to
11 sustain the objection, Mr. Brown. There is no basis for
12 this witness -- there is no facts in this that he
13 represents anybody in the -- or has any official role in
14 the Union. He can have his opinion, and I'm not saying
15 that his opinion about those matters aren't important.
16 They're just simply not relevant to what I have to
17 decide here.

18 MR. BROWN: Yes, sir.

19 BY MR. BROWN:

20 Q. Darin, did the board members ever inform you
21 of their mindset regarding the actions of February 27th,
22 2022?

23 A. As far as some of the board members that I had
24 contact with, that they were there to basically have a
25 form of discussion and dissuade the actions that were

1 being pursued by the VPs and by Bill Hall and some of
2 the faction within the board of directors that were
3 working in the background as far as from what I
4 understand as well, you know, have that discussion
5 within the management staff of the Union that was
6 involved in this issue as well.

7 Q. So a follow-up with that is two questions.
8 First, can you discuss all the personal knowledge you've
9 had regarding your conversations with the different
10 board members?

11 THE HEARING OFFICER: I don't understand the
12 question.

13 MR. BROWN: So can Darin --

14 THE HEARING OFFICER: Please formulate the
15 question differently.

16 BY MR. BROWN:

17 Q. All right, Darin. Please discuss your
18 personal knowledge with the board members regarding my
19 leadership.

20 MR. ANDONIAN: Objection. Vague. Calls for
21 potentially an unwieldy narrative.

22 THE HEARING OFFICER: Sustained.

23 BY MR. BROWN:

24 Q. Darin, can you please discuss, from your
25 personal knowledge, about this HR1 process with these

1 allegations made against me?

2 THE HEARING OFFICER: Still vague and it calls
3 for a narrative testimony. Ask specific questions that
4 will elicit facts that this witness can testify to:
5 what, when, where, or how. Lead the sentence with that,
6 and you'll probably be okay in terms of not leading the
7 witness. There may be other objections, but you won't
8 be leading the witness.

9 MR. BROWN: Okay.

10 BY MR. BROWN:

11 Q. How do you feel this HR1 process was being
12 administered?

13 THE HEARING OFFICER: Same thing, Mr. Brown.

14 MR. BROWN: But you said what, when, where,
15 and how; so I started the question with that. So when I
16 start the question with "did you," then you say that's
17 leading. So then I took what you said, and you said
18 that's still leading. All right. So I'll try to flip
19 it around another way. Because I didn't know that this
20 was a strict -- you know, I didn't know that this was a
21 strict hearing, because it's --

22 THE HEARING OFFICER: It's only strict in the
23 sense that, if you're asking questions on direct, you
24 don't get to put the answer in the question. You only
25 get to do that on cross-examination.

1 MR. BROWN: All right. So will I be able to
2 cross-examine Darin once --

3 THE HEARING OFFICER: No, you can't
4 cross-examine. You called him as your witness.

5 MR. BROWN: Right. So if Mr. Andonian decides
6 to question Darin, I'm not allowed to follow up --

7 THE HEARING OFFICER: With other direct
8 questions. Same rule applies. You called the witness.

9 MR. BROWN: All right. So let me see if I can
10 ask this direct question.

11 BY MR. BROWN:

12 Q. When did -- Darin, when did you discuss with
13 the board members their views on the actions regarding
14 March 5th through the 10th?

15 THE HEARING OFFICER: Appropriate question.

16 MR. BROWN: Thank you.

17 THE WITNESS: Immediately on that day. I
18 had -- I made some phone calls to the ones that would
19 answer my call, trying to find out exactly what was
20 going on and trying to get to the bottom as far as how
21 they let the situation go the direction it did.

22 BY MR. BROWN:

23 Q. What did they say?

24 THE HEARING OFFICER: Appropriate question.

25 THE WITNESS: That there were a faction within

1 the board of directors that basically were vehemently
2 disallowing anybody else to vent on the situation.
3 Nobody wanted to discuss it in open forum in order to
4 find out exactly what was going on and what was the
5 issues and what were the allegations of why they had
6 taken their actions that they chose.

7 BY MR. BROWN:

8 Q. And where did you have this discussion with
9 these different board members?

10 THE HEARING OFFICER: Appropriate question.
11 Appropriate form.

12 THE WITNESS: I had those discussions by phone
13 and by text with some. And actually had an opportunity
14 to meet face-to-face with a couple others later in the
15 day.

16 BY MR. BROWN:

17 Q. The correspondence you had with the board
18 members, what type of correspondence was it?

19 A. As far as -- ask that again. Because I want
20 to make sure I'm answering you correctly.

21 Q. I'm sorry. I didn't ask the question
22 correctly. Let me ask it directly.

23 How was the correspondence?

24 A. As far as for the tone of the correspondence
25 was upsetting because there were actions that we felt

1 that were taken by the board and VPs that were in direct
2 violation of our Union morals and our Union direction.
3 It was also a violation of -- you know, for what we
4 felt, you know, the democratic process of our Union.

5 Q. When did you have a conversation about the --
6 when did you have a conversation about the \$2 million of
7 Union leave that was allegedly used?

8 A. I hadn't even -- I heard that was a rumor that
9 was being pushed around, but I had not heard anything to
10 the validity of that from anybody else that was within
11 the board of directors or even that had been pushed out
12 to anybody of that was going to be even done.

13 Q. And when did you first hear from the board
14 members regarding the plot to remove me from office?

15 A. Wow.

16 MR. ANDONIAN: Objection. Argumentative.

17 THE HEARING OFFICER: Characterization,
18 "plot."

19 BY MR. BROWN:

20 Q. Okay. So let me take out the word "plot."
21 When did you first hear of the rumor about
22 removing me from office?

23 A. I read that within the first week that the
24 votes were counted. And that was within -- emails
25 within the board of directors themselves. And even up

1 until even the month of, I believe, probably April, that
2 was a persistent item that was being pushed around
3 within emails and discussions within the board. And
4 even candidates who had lost in the election process.

5 Q. Can you tell me what people did you speak to
6 regarding this rumor to remove me from office?

7 A. That they were going to use any means
8 necessary through the HR1 process --

9 THE HEARING OFFICER: Mr. Stahl, that wasn't
10 the question. The question is, I think I heard, who
11 were the people whom you spoke to.

12 MR. BROWN: Can I say who?

13 THE HEARING OFFICER: No, no.

14 MR. BROWN: I can't say who?

15 THE HEARING OFFICER: No. You can ask him who
16 he spoke to.

17 MR. BROWN: Right. So the question I was
18 asking is I said, "What people?" I can't say "which
19 people." I can only say "what people"?

20 THE HEARING OFFICER: Right.

21 BY MR. BROWN:

22 Q. I'm sorry, Darin. So what people -- first
23 question. What people told you about this rumor to
24 remove me from office?

25 A. I had actually read the emails that were

1 posted up on social media from Snapchat --

2 THE HEARING OFFICER: No, that wasn't the
3 question. He asked you what persons told you about
4 these rumors.

5 THE WITNESS: Okay. So yeah. So, initially,
6 it was my DLC president, our BUNC had also heard the
7 rumors within our BUNC chair. I spoke to a couple of
8 other DLC members on social media. And even some of
9 them confirmed -- Richard Wake, who, you know, I don't
10 have good viewpoints at all with him, but he confirmed
11 that they had been working to remove him. A prior
12 candidate, Kevin Menager, as well, had been part of this
13 discussion internally in this group to use any process
14 necessary to remove Mr. Brown from his elected position.

15 MR. ANDONIAN: Mr. La Rue, I'm going to again
16 object. Mr. Stahl is proffered for one paragraph in
17 particular of the allegations, and that's Paragraph
18 Number 6. And I think this is going beyond the scope of
19 that.

20 THE HEARING OFFICER: Mr. Brown.

21 MR. BROWN: I was hoping for a little bit of
22 latitude since I can't --

23 THE HEARING OFFICER: Mr. Brown, you've been
24 given a lot of latitude.

25 ///

1 BY MR. BROWN:

2 Q. Okay. So we'll go back to Allegation 6. What
3 the did the board members tell you about their belief
4 about me still being in power?

5 A. As far as for the board?

6 Q. Yes.

7 A. Overall, like I said, the board members I had
8 been in discussion with, they didn't feel it was the
9 right course of action that was taken by the VPs and by
10 Bill Hall and by those -- the faction of folks that
11 supported Bill Hall in his direction of trying to
12 organize everybody in regards to removing you from your
13 position.

14 Q. And how did they tell you this?

15 A. Personal interaction, face-to-face.

16 Q. And, overall, what is your personal knowledge
17 about this situation regarding my HR1?

18 A. My personal knowledge, for me -- for me
19 personally and just kind of reviewing what I've had the
20 opportunity to review, I don't feel that this process --

21 THE HEARING OFFICER: "I feel," no. The
22 question is what is your personal knowledge about this
23 HR1 charge.

24 THE WITNESS: My personal knowledge for this
25 HR1 charge is they're unfounded, because all of the

1 alleged --

2 THE HEARING OFFICER: That's an opinion.
3 That's an opinion. He asked you what is your personal
4 knowledge of the charge. Specifically, Mr. Brown called
5 you to testify to Charge Number 6.

6 Mr. Brown, I will summarize, but Charge
7 Number 6 has to do with what you asked this witness
8 about when he came onto the stand, the events of
9 March 5th through 10th.

10 BY MR. BROWN:

11 Q. So my next -- my next question is what did the
12 board members that you had been in discussion with
13 believe regarding my presidency on March 5th?

14 MR. ANDONIAN: Objection. Calls for the
15 belief of other people.

16 THE HEARING OFFICER: Sustained.

17 BY MR. BROWN:

18 Q. All right. So let me clarify. What did the
19 board members tell you about my presidency on March 5th?

20 A. That, in their opinion, that the actions that
21 were taken by Bill Hall and the VPs was not adequate nor
22 was it accurate nor was it valid.

23 Q. And how did they tell you this?

24 THE HEARING OFFICER: Asked and answered.
25 You've been over this. The witness has been quite

1 thorough with regard to the March 5th through 10th --

2 BY MR. BROWN:

3 Q. So let me ask the question like this. Did the
4 board members that you have been in discussion with
5 believe that I was still president on March 5th?

6 A. Yes, they did.

7 THE HEARING OFFICER: Asked and answered.

8 MR. BROWN: Okay. That's all the questions I
9 have for Darin.

10 Thank you so much, Darin.

11 THE HEARING OFFICER: Cross-examination.

12 MR. ANDONIAN: Thank you, Mr. La Rue.

13 CROSS-EXAMINATION

14 BY MR. ANDONIAN:

15 Q. Good afternoon, Mr. Stahl.

16 A. Good afternoon.

17 Q. Mr. Stahl, are you a board member of
18 Local 1000?

19 A. No, I am not.

20 Q. Are you an officer of Local 1000?

21 A. No, I am not.

22 Q. So you had no role in any decision-making
23 amongst the board members; right?

24 A. No direct role, no.

25 Q. You had no direct --

1 A. Indirect, yes.

2 Q. Sure. Other than electing board members, you
3 had no direct role in any internal deliberations or
4 decision-making by the board members; right?

5 A. As an advocate in providing my input, yes, I
6 do, as a member.

7 Q. You had no role in actually sitting down in a
8 room with board members making specific decisions or
9 deliberations; correct?

10 A. In a public setting, yes. In a private
11 setting, no.

12 Q. Okay. And the same with the officers of the
13 Union. You were not directly involved in
14 decision-making that the Union officers would make,
15 other than the fact that you help elect certain
16 members -- correct? -- certain officers?

17 A. No. Because as a member of the Union, we can
18 also be an advocate to other officers within different
19 DLCs.

20 Q. Okay. Other than being an advocate and other
21 than electing, you were not in the room making private
22 decisions or deliberations with officers of the Union;
23 correct?

24 A. Correct.

25 Q. You're a supporter of Mr. Brown's; right?

1 A. A supporter of Mr. Brown's and a supporter of
2 David Jimenez. I voted for them.

3 Q. Let me ask my question again. You're a
4 supporter of Richard Brown; right?

5 A. Yes, I am.

6 Q. You voted for him?

7 A. Yes, I did.

8 Q. You want him to be president?

9 A. Overwhelmingly, as he was elected to be, yes.

10 Q. You want him to be president?

11 A. That was my vote.

12 THE HEARING OFFICER: Asked and answered,
13 Mr. Andonian. He said yes.

14 BY MR. ANDONIAN:

15 Q. You're here today to support Mr. Brown?

16 THE HEARING OFFICER: Mr. Brown, what's your
17 objection?

18 MR. BROWN: He's -- he's trying to lead the
19 witness.

20 THE HEARING OFFICER: He can lead the witness.
21 This is cross-examination.

22 MR. BROWN: All right.

23 THE HEARING OFFICER: That's what I've been
24 trying to get across. You can lead on
25 cross-examination, Mr. Brown.

1 MR. BROWN: But can I object to his
2 characterization of what he's trying to do to Darin?

3 THE HEARING OFFICER: I just indicated that
4 the last question was inappropriate. He's moving on.

5 MR. BROWN: Oh, I missed that. I'm sorry,
6 Mr. Andonian.

7 MR. ANDONIAN: No problem.

8 BY MR. ANDONIAN:

9 Q. Mr. Stahl, were you physically present at the
10 Union building on March 5th?

11 A. I was at the Union, yes.

12 Q. And you've testified on direct that you were
13 there as part of an -- I think you called it an
14 organization or demonstration, whatever your
15 characterization was.

16 But you were there to support Mr. Brown;
17 correct?

18 A. It was a picket based upon the actions that we
19 were hearing that were going to take place that day --

20 THE HEARING OFFICER: Mr. Stahl --
21 Mr. Stahl --

22 THE WITNESS: Yes, sir.

23 THE HEARING OFFICER: On cross-examination, if
24 the question asks/elicits a yes or no, that's how you
25 must answer. If counsel wants additional information,

1 he will elicit that. But on cross-examination, you're
2 restricted to the yes or no if it's a yes-or-no
3 question.

4 THE WITNESS: Understood.

5 BY MR. ANDONIAN:

6 Q. So I'll just ask that again. You were there
7 on March 5th as part of -- I'll use your word from right
8 now -- a picket in support of Mr. Brown; right?

9 THE HEARING OFFICER: Mr. Brown, what?

10 MR. BROWN: Can I object to this question? It
11 was asked and answered.

12 THE HEARING OFFICER: No. The question is
13 appropriate.

14 Mr. Andonian, proceed.

15 THE WITNESS: Yes, I was there that day.

16 BY MR. ANDONIAN:

17 Q. And you were present there as part of -- I'm
18 using your word -- a picket in support of Mr. Brown;
19 right?

20 A. Yes, I was.

21 Q. And that was a planned event?

22 A. Not necessarily, no.

23 Q. It was not necessarily a planned event?

24 A. No. A few of us had heard about what was
25 going on the night before, and we decided to go and

1 picket that morning.

2 Q. Okay. Let's go with that characterization,
3 then.

4 I'm going to show you what's already been
5 marked -- I'm going to share my screen, and I'm going to
6 show you what's already been marked, if you'll give me
7 just one moment, as Walls Exhibit J. And I'm sharing
8 right now. You should be able to see a picture on the
9 screen.

10 Do you see that, Mr. Stahl?

11 A. Yes, I do.

12 MR. ANDONIAN: So the record is clear, I'm
13 showing Mr. Stahl what has already been admitted as
14 Charging Party Walls Exhibit J, and this is at Bates
15 page 170.

16 THE HEARING OFFICER: One second, please.

17 MR. ANDONIAN: Sure.

18 THE HEARING OFFICER: Go ahead. Got it.

19 BY MR. ANDONIAN:

20 Q. Mr. Stahl, you recognize the building in this
21 picture; correct?

22 A. It appears to be the public parking area that
23 is between the Union buildings.

24 Q. Right. And there is a picture of a -- in the
25 picture, which is page 170 of Exhibit J, you can see a

1 locksmith truck here; correct?

2 A. Okay. I see a locksmith truck.

3 Q. You see that; right?

4 THE HEARING OFFICER: Asked and answered.

5 BY MR. ANDONIAN:

6 Q. And that truck was there on March 5th;
7 correct?

8 A. Possibly. I mean, it's a public parking area.
9 I don't know what time of the day that was there. I was
10 there in the latter part of the afternoon; so I can't
11 really attest to seeing that vehicle directly being
12 there.

13 Q. I'm scrolling down just so you can see it.
14 And, again, this has been admitted as Walls Exhibit J,
15 and this is part of the declaration -- Mr. Stahl, I'm
16 giving this for your information -- this is part of the
17 declaration by somebody who took these pictures on
18 March 5th. So I'm just going to ask you questions. If
19 you know the answer, you know it. If you don't, you
20 don't.

21 This is a picture of a gathering of
22 individuals in front of the Union building on March 5th;
23 right?

24 A. Looks like that was some board members that
25 were standing out front of the Union. In fact, I'm

1 actually pretty familiar with that photo. I think it
2 was Jared Reece who had taken that picture and posted it
3 on social media.

4 Q. Correct. That's correct. So you have seen
5 this. Okay.

6 I'm using my cursor to the extent this is
7 helpful, but I'm pointing right now. You can see two
8 police officers kind of in the background of this
9 picture; right?

10 A. Faintly, but if you say they're police
11 officers. If you can magnify it, I would appreciate it.

12 Q. Yeah. Let me attempt to do that.

13 THE HEARING OFFICER: Yes, Mr. Brown.

14 MR. BROWN: So I object because Exhibit J is
15 not -- these pictures for Exhibit J, these are not the
16 pictures for Exhibit J.

17 THE HEARING OFFICER: They are, indeed,
18 Mr. Brown. Check it again. I'm looking at it myself.

19 MR. BROWN: Thank you, sir.

20 BY MR. ANDONIAN:

21 Q. Mr. Stahl, I don't know if that helps any. I
22 don't want to risk blurring the picture. But you can
23 see a police officer, at least one female police officer
24 where my cursor is; right?

25 A. Yes. Okay. I do see one female officer.

1 Q. And that's because the police were, in fact,
2 present in front of the Union building on March 5th;
3 right?

4 THE HEARING OFFICER: Mr. Andonian, hold on
5 one second, please.

6 Mr. Stahl, could you adjust your camera down
7 so that we can see your full face?

8 THE WITNESS: Oh, no problem.

9 THE HEARING OFFICER: Thank you very much.

10 Yes, Mr. Brown.

11 MR. BROWN: So Exhibit J is not a declaration
12 by Jared Reece.

13 THE HEARING OFFICER: Mr. Jay -- I mean,
14 Mr. Brown, this is appropriate. It's been identified.
15 It's in the record. Mr. Andonian is entitled to use it
16 on cross-examination.

17 Proceed.

18 BY MR. ANDONIAN:

19 Q. Mr. Stahl, the reason you're seeing police
20 officers -- at least one police officer in this picture,
21 which is Bates 171 of Exhibit J, that's because the
22 police were, in fact, present in front of the Union
23 building on March 5th; right?

24 A. From my understanding in the reporting by the
25 newspaper, yes.

1 Q. Okay. Well, you were there that morning;
2 correct?

3 A. Not in full that morning, at that time, no.

4 Q. Now, you testified earlier that you had no
5 knowledge that anybody had been arrested in connection
6 with the events of March 5th; is that right?

7 A. I talked to several of the DLC presidents that
8 were there, and they had said that nobody was arrested.
9 Yet law enforcement had showed up to, I guess, address a
10 dispute between some of the DLC presidents that were
11 trying to keep the members outside of the building. But
12 as far as from what I read and from having the
13 discussions I had, that nobody was taken away by law
14 enforcement and that law enforcement was there for a
15 little while, and after that they considered it a --

16 THE HEARING OFFICER: Mr. Brown.

17 THE WITNESS: -- issue and they left.

18 THE HEARING OFFICER: One second,
19 Mr. Andonian.

20 Mr. Brown.

21 MR. BROWN: I'm sorry to interrupt. Ebie
22 Lynch said she just got kicked off. Can we take a quick
23 recess so she can get back on the computer?

24 MS. LYNCH: I'm back.

25 THE HEARING OFFICER: Proceed, Mr. Andonian.

1 BY MR. ANDONIAN:

2 Q. Mr. Stahl, my follow-up question is you had
3 no -- you had no direct role in any internal police
4 decision-making for March 5th; right?

5 A. Last I know, we don't make decisions for
6 police officers.

7 THE HEARING OFFICER: Mr. Stahl, please answer
8 the question directly.

9 THE WITNESS: Okay. Well, I should ask him to
10 rephrase it because I can't answer a question for
11 somebody else's decision-making.

12 BY MR. ANDONIAN:

13 Q. Mr. Stahl, you seem to be having trouble with
14 my questions. This is a good time for me to make note,
15 if you do have an issue and if you don't understand a
16 question, you should feel free to ask me to rephrase.
17 So let me try it again.

18 A. Sure.

19 Q. You had no direct role in any internal police
20 decision-making on March 5th; right?

21 A. Correct. Yes. That would be an accurate
22 statement.

23 Q. I'm scrolling down on Exhibit J and I'm going
24 to ask you again. This is on Bates 173 of Walls J.

25 You see this picture, Mr. Stahl?

1 A. Yes, I do.

2 Q. And you recognize the individual who is in the
3 forefront as Mr. Brown; right?

4 A. That would appear to be so, yes.

5 Q. And you can see that he's holding what appears
6 to be a plastic, you know, mail bin or something to that
7 effect in his hands; right?

8 A. Correct.

9 Q. And he's putting it into a vehicle?

10 A. Correct.

11 Q. And you know that this picture appeared in the
12 Sacramento Bee story about the events on March 5th;
13 right?

14 A. One of the photos that they had -- that they
15 used in their story.

16 Q. I'm going to continue scrolling down in Walls
17 Exhibit J, and this is on Bates 175.

18 You can see this picture; right?

19 A. Yes.

20 Q. There is an individual -- first of all, let me
21 just say, this is the front of Local 1000's building;
22 right?

23 A. It appears to be one of two entrances that are
24 in the public parking area.

25 Q. Fair enough. And you can see an individual

1 who is sitting in front of the doors; right?

2 A. I believe so.

3 Q. And that's an individual that was also there
4 supporting Mr. Brown on March 5th; right?

5 A. That's a possibility. I couldn't -- without
6 being able to see who, I couldn't answer that question
7 accurately.

8 Q. Ordinarily, there is not somebody sitting
9 directly in front of both doors to one of the entrances
10 to the Union building; right?

11 A. Not ordinarily. Not ordinarily.

12 Q. I'm going to continue scrolling down. And I'm
13 showing you now on page -- it's Bates 177 of Walls J.
14 This is a picture -- an inside picture of two doors, two
15 glass doors; correct?

16 A. Mm-hmm.

17 Q. And you can see a chain and lock around the
18 handles; right?

19 A. Yeah. I believe that's the exterior
20 building -- or the exterior doors facing the street
21 side. And I actually believe normally those are
22 locked --

23 Q. My question, sir, was a yes-or-no question.
24 That was a picture of a chain. You answered already
25 about the door. You see it. My question is the picture

1 depicts a chain and a lock around the handles of the
2 door; right?

3 A. Correct. That's not the main entrance of the
4 building. That's a back entrance that has been chained
5 up for safety. It's been like that for years.

6 THE HEARING OFFICER: Mr. Stahl -- Mr. Stahl,
7 please be cautioned that, if it's a yes-or-no answer,
8 answer yes or no. If counsel wants more from you with
9 regard to that, counsel will ask you. But you are not
10 to go on and testify or explain.

11 THE WITNESS: I understand.

12 THE HEARING OFFICER: We'll get through this
13 much faster if we do it that way.

14 BY MR. ANDONIAN:

15 Q. So the answer is, yes, there is a picture of a
16 chain and a lock right on the handles of the door that
17 we're looking at; right?

18 A. There appears, yes.

19 Q. I'm going to stop sharing for just a moment.

20 Mr. Stahl, you had some testimony about your
21 opinion and your knowledge about Mr. -- the efforts to
22 suspend Mr. Brown from his position as president of the
23 Union.

24 Do you recall that?

25 A. Yes, I do.

1 Q. Okay. And I gathered it was your opinion that
2 you disagreed with the decision to suspend Mr. Brown;
3 right?

4 A. Yes, I do.

5 Q. And I think you testified that you thought it
6 was improper; is that right?

7 A. I'm not thinking it's improper. Knowing it's
8 improper.

9 Q. I see.

10 I'm going to show you again -- I'm going to
11 share my screen. You should be able to see -- well,
12 actually, before I do that, let me ask you a question.

13 It sounds like from your testimony you're
14 familiar with the SEIU Local 1000 policy file; right?

15 A. Certain sections, yes.

16 Q. And the policy file -- well, let's take a step
17 back from certain sections.

18 You're aware there is a policy file or a
19 document called "The Policy File" for Local 1000; right?

20 A. Yes.

21 Q. And that document sets forth a number of
22 governing rules for the Union; correct?

23 A. That is correct.

24 Q. And you understand that document to be the
25 governing document for the rules of the Union that are

1 contained in it; right?

2 A. Correct.

3 Q. Now, if you look at the screen, you should see
4 what I will represent -- this is charged party Walls
5 Exhibit L, and it's at Bates page 198. I'm happy to
6 pause if anybody needs a minute to get to it.

7 THE HEARING OFFICER: Yes, give us a minute.

8 MR. ANDONIAN: Certainly.

9 THE HEARING OFFICER: All right. You may
10 proceed.

11 BY MR. ANDONIAN:

12 Q. Mr. Stahl, I'm going to direct your attention
13 to what I've highlighted on the screen -- that's just my
14 highlighting for the sake of convenience -- Section
15 9.0.04. Do you see that?

16 A. Yes, I do.

17 THE HEARING OFFICER: Yes, Mr. Brown.

18 One second, Mr. Andonian.

19 MR. BROWN: I object to this line of
20 questioning because earlier you told me I couldn't go to
21 the policy file.

22 THE HEARING OFFICER: I don't know the line of
23 questioning yet, Mr. Brown. It's premature.

24 MR. BROWN: All right.

25 THE HEARING OFFICER: And if you do have an

1 objection, simply state "objection." Because I will
2 hear it because I'm looking at the screen and typing. I
3 don't want to miss you.

4 Go ahead, Mr. Andonian.

5 MR. ANDONIAN: Thank you.

6 BY MR. ANDONIAN:

7 Q. Mr. Stahl, and I'm asking you just simply for
8 right now to just follow along with me. Section 9.0.04
9 is titled "Suspension of President"; correct?

10 A. Mr. Andonian, your audio broke up. State that
11 again, please.

12 Q. Sorry. Section 9.0.04 is called "Suspension
13 of President"; right?

14 A. Correct.

15 Q. And you're familiar with this particular
16 policy file section; right?

17 A. Yes. I have read it several times.

18 Q. Right. Because you have an opinion about
19 whether or not it was proper to suspend Mr. Brown; so
20 this certainly would be one of the sections you know.

21 A. Was that a question?

22 Q. Sorry. Go ahead.

23 A. I'm sorry. Was that a question?

24 Q. I'll move on.

25 I'm going to go on. I want to read the first

1 line or so. And I'm just going to ask you --

2 MR. BROWN: Object.

3 THE HEARING OFFICER: What's your objection?

4 MR. BROWN: The policy file -- he's asking --
5 he's reading, trying to lead the witness. This is a
6 bias.

7 THE HEARING OFFICER: Don't make an objection
8 on cross-examination that it is improper to lead a
9 witness. That is exactly what the examiner should be
10 doing on cross-examination.

11 MR. BROWN: Okay. Then I'm going to object
12 because -- I object again. It does not go to
13 Allegation 6.

14 THE HEARING OFFICER: It was covered by you on
15 direct; therefore, it is fair game on cross. If you
16 don't want it done on cross, then you don't raise it on
17 direct. Objection overruled.

18 Mr. Andonian, I don't want to go too far into
19 this because --

20 MR. BROWN: Again, I must object because, when
21 I referenced the policy file, I did not -- I did not
22 talk about the policy file in my question.

23 THE HEARING OFFICER: Mr. Brown, your
24 objection is overruled.

25 MR. BROWN: Again, show me --

1 THE HEARING OFFICER: Mr. Andonian --

2 MR. BROWN: Wait a minute. Wait a minute.

3 Wait a minute. Sir --

4 THE HEARING OFFICER: -- please proceed. But
5 I'm going to limit this testimony.

6 MR. BROWN: Sir -- you know what, sir, what
7 you're doing is you're not allowing fairness. You're
8 not allowing fairness.

9 THE HEARING OFFICER: Mr. Brown, make your
10 objection, if you've got it.

11 MR. BROWN: Because you can't tell me -- you
12 cannot tell me in my direct questioning of Darin Stahl
13 where I referred to 9.0.04 of the policy file. You
14 can't do it.

15 THE HEARING OFFICER: Mr. Brown, your
16 objection is overruled.

17 Mr. Andonian, proceed.

18 MR. BROWN: I wasn't even allowed to ask those
19 questions. So I don't understand why you're allowing
20 Mr. --

21 THE HEARING OFFICER: Mr. Brown, your
22 objection is overruled.

23 MR. BROWN: Thank you, sir.

24 BY MR. ANDONIAN:

25 Q. Mr. Stahl, I'm just going to read a couple of

1 lines, and I only have just one follow-up -- or one or
2 two follow-ups. It states:

3 "If, in the opinion of the Vice
4 President/Secretary-Treasurer, Vice President for
5 Organizing/Representation, and Vice President for
6 Bargaining, the action of the president is such as to
7 pose an immediate threat to the welfare of Local 1000,
8 the other Officers may summarily suspend the president
9 until the procedures established in the policy file are
10 concluded."

11 Do you see that?

12 A. That, I do see.

13 Q. Okay.

14 Pardon me. I'm just stopping my sharing.

15 You're aware that on March 5th, Mr. Brown's
16 access to the Union office had been suspended; correct?
17 Let me just be more specific.

18 MR. BROWN: Objection.

19 BY MR. ANDONIAN:

20 Q. His keycard access --

21 THE HEARING OFFICER: What's the objection,
22 Mr. Brown?

23 MR. BROWN: Relevance to Allegation Number 6.

24 THE HEARING OFFICER: Overruled. Proceed,
25 Mr. Andonian.

1 BY MR. ANDONIAN:

2 Q. You're aware that on March 5th, Mr. Brown's
3 keycard -- I'm just going to start with that -- keycard
4 access was cut off to the Union building; right?

5 A. Not on that specifically. I was not aware of
6 that particular item.

7 MR. ANDONIAN: If I could just have one
8 moment.

9 THE HEARING OFFICER: Very well.

10 BY MR. ANDONIAN:

11 Q. I just want to make sure we're clear on the
12 record. You've testified about your presence at the
13 Union building on March 5th, and you've testified about
14 a picket that others were in attendance for on that day
15 as well.

16 Mr. Brown was -- you know that Mr. Brown was
17 present at the Union building on March 5th as well;
18 correct?

19 A. Given the accounts and -- or whatever
20 everybody had stated, yeah, he was there, that after --
21 I believe it was late morning that he had arrived over
22 there at the Union hall.

23 MR. ANDONIAN: Okay. I don't have anything
24 further.

25 THE HEARING OFFICER: Mr. Brown, do you have

1 questions on direct? And they must not be leading
2 questions on direct.

3 MR. BROWN: Yes, sir.

4 REDIRECT EXAMINATION

5 BY MR. BROWN:

6 Q. On the Exhibit J, Darin, what does the sign
7 say on the doors that appear to be chained?

8 A. If we could bring it back up.

9 MR. ANDONIAN: If you give me one moment.

10 MR. BROWN: Thank you, Mr. Andonian.

11 MR. ANDONIAN: Does everybody see it?

12 THE HEARING OFFICER: Yes:

13 Mr. Brown, ask your question.

14 BY MR. BROWN:

15 Q. So what does the sign say on the doors that
16 appear to be chained on this Exhibit J?

17 THE HEARING OFFICER: On all the signs or any
18 particular one?

19 BY MR. BROWN:

20 Q. The sign on the left bottom.

21 A. It says --

22 THE HEARING OFFICER: Left bottom.

23 MR. BROWN: Yes.

24 THE WITNESS: -- "No enter."

25 THE HEARING OFFICER: Mr. Stahl. I'm sorry, I

1 may have --

2 THE WITNESS: It says "No enter."

3 THE HEARING OFFICER: Mr. Brown, proceed.

4 BY MR. BROWN:

5 Q. All right. Where do you clearly see that the
6 chain is actually locked on these two doors?

7 A. The only thing I can see is the chain is
8 wrapped around it. I can't see if the lock is actually
9 hasped or not.

10 Q. So what do you clearly see on these two doors?

11 THE HEARING OFFICER: Asked and answered.

12 BY MR. BROWN:

13 Q. Okay. When are these doors used?

14 A. From my various visits to the Union, those
15 doors have traditionally always been locked, even during
16 business hours. That is a backdoor entrance that faces
17 the street that is, at night, not a very safe entrance
18 to use, considering the area.

19 Q. So when are these doors ever used?

20 A. Unless I'm an employee there at the MRC, I
21 don't know when.

22 Q. When were the staff working at Local 1000
23 headquarters for the last, roughly, year?

24 A. In that same building that faces that street.

25 Q. Yes.

1 A. That's where they've been working.

2 Q. What was the staff's schedule, Local 1000
3 headquarters staff? What was the schedule?

4 A. I believe at that time they had basically kind
5 of a floating schedule. Most of the staff were working
6 from home on telework.

7 Q. And when did they work from home?

8 A. As far as I know --

9 THE HEARING OFFICER: You asked the first
10 question. Irrelevant now.

11 BY MR. BROWN:

12 Q. Since Local 1000 on that property has multiple
13 buildings, which building are you referring to?

14 A. That's the building that, as far as -- again,
15 I'm not privy to all of -- the whole location of
16 everything in that building, but I believe that's where
17 the officers' offices are, your offices, some of the MRC
18 upper management staff are located on that side of
19 the -- in that building area.

20 Q. Darin, to your recollection, how many staff
21 were present on March 5th?

22 THE HEARING OFFICER: Irrelevant.

23 BY MR. BROWN:

24 Q. What was in the picture on this Exhibit J when
25 it showed -- it looked like it showed me going into my

1 car on March 5th?

2 A. That's not the --

3 THE HEARING OFFICER: One second. One second,
4 Mr. Stahl. We're getting to that picture.

5 That is Walls Exhibit -- Bates Number 173, for
6 the record.

7 Now, Mr. Brown.

8 No, Mr. Stahl. Wait until there is a question
9 from Mr. Brown.

10 THE WITNESS: Understood.

11 BY MR. BROWN:

12 Q. This picture, what did it appear was in that
13 basket -- or mail basket that Mr. Andonian referred to?

14 A. I couldn't tell you --

15 MR. ANDONIAN: I'll object to the extent this
16 calls for speculation.

17 THE HEARING OFFICER: Yes, there is no basis
18 that this witness knows what's in that basket. You can
19 ask him if he knows what was in the basket.

20 MR. BROWN: All right, sir.

21 BY MR. BROWN:

22 Q. Darin, do you know what was in that basket?
23 Can you see the items in that basket?

24 THE HEARING OFFICER: Not whether he can see
25 the items, whether he knows what was in that basket.

1 BY MR. BROWN:

2 Q. Okay, Darin. Do you know what was in that
3 basket?

4 A. Not at all.

5 MR. BROWN: Can we go back to the picture of
6 that van in the parking lot?

7 THE HEARING OFFICER: Let the record reflect
8 that's Bates number 170.

9 BY MR. BROWN:

10 Q. Okay. So, Darin, this van, Swift, when you
11 were asked about this, can you recall any event that was
12 going on that day?

13 A. Give me a few moments here. I lost audio.
14 Okay. Am I back?

15 THE HEARING OFFICER: Yes, you are.

16 THE WITNESS: Hold on. There we go. I had
17 one of my earbuds lose power.

18 Can you rephrase the question, please?

19 BY MR. BROWN:

20 Q. On this picture, can you recall what event was
21 going on that day as you look into that picture?

22 A. Directly, no. I mean, there is some canopies
23 out there on the front area. I don't know if there was
24 something else going on on the outside of the office.
25 And to be frank with you, I can't even say if it was on

1 that specific day or not.

2 Q. Where do you -- in this picture, where do you
3 see the tent, the event tent?

4 THE HEARING OFFICER: Picture speaks for
5 itself.

6 BY MR. BROWN:

7 Q. All right. So this picture -- where is this
8 picture taken at as far as the parking lot is concerned?

9 A. It's within the -- if it's the tent that's on
10 the street side where that other building is, it's
11 basically the general public parking area in between the
12 two SEIU buildings. And that particular parking area, I
13 believe, is the one that faces the offices where most of
14 the upper management offices of the Union are located.

15 Q. All right. Can anyone park in this parking
16 lot in this picture?

17 A. Yes, they can. It's a public parking space
18 that has a paid meter.

19 Q. And do you have personal knowledge of this
20 van's owner, this van that is shown?

21 A. No, I do not.

22 MR. BROWN: The exhibit where the policy file
23 was brought up...

24 THE HEARING OFFICER: That is Exhibit L, I
25 believe. One second. Mr. Andonian, that is -- I don't

1 see the marking on that.

2 MR. ANDONIAN: It's Exhibit L at Bates 198.

3 Well, that's where I was.

4 THE HEARING OFFICER: For the record.

5 Proceed, Mr. Brown.

6 MR. BROWN: Can you go down a little bit,

7 Mr. Andonian?

8 MR. ANDONIAN: Sorry, Mr. Brown. Is this the

9 correct direction?

10 MR. BROWN: Can you go back to that 9.0.04?

11 MR. ANDONIAN: Yep.

12 MR. BROWN: Can you go up a little bit in that

13 page? All right. Right there.

14 BY MR. BROWN:

15 Q. Darin, what does it say above the 9.0.04

16 "Suspension of President"?

17 THE HEARING OFFICER: Document says what it

18 says.

19 BY MR. BROWN:

20 Q. All right. How does that on top work in

21 relation to the 9.0.04?

22 THE HEARING OFFICER: Mr. Brown, you're asking

23 the witness to formulate an opinion about the file.

24 That is what I have to do.

25 ///

1 BY MR. BROWN:

2 Q. Okay. The part on top there, Darin, when have
3 you read that before?

4 A. I've been reading that section off and on,
5 shoot, probably for the past three or four months.

6 Q. And what did your DLC president say about this
7 particular part?

8 THE HEARING OFFICER: It doesn't matter. I'm
9 still the one who has to interpret the language of the
10 policy file to this matter.

11 MR. BROWN: So I can't ask the question how
12 does he see this in relation to --

13 THE HEARING OFFICER: Absolutely not.
14 Correct, cannot.

15 MR. BROWN: Okay.

16 BY MR. BROWN:

17 Q. Darin, in regards to this part of the policy
18 file, where did you see that part enacted?

19 THE HEARING OFFICER: What part are you
20 directing the witness to?

21 MR. BROWN: "When, in the opinion of the
22 President, the actions of the member are such to impose
23 an immediate threat to the welfare of Local 1000," that
24 part.

25 ///

1 BY MR. BROWN:

2 Q. Where did you see that action enacted?

3 MR. ANDONIAN: Objection. Vague.

4 THE HEARING OFFICER: One second. I'm still
5 not sure when you're reading. Is it 9.0.04?

6 MR. BROWN: No. The part on top, where it
7 says "When, in the opinion of the President, the actions
8 of the member are such to impose an immediate threat to
9 the welfare of Local 1000."

10 THE HEARING OFFICER: Okay. And your question
11 is what, again, please?

12 BY MR. BROWN:

13 Q. When -- I'm sorry. Where -- wait. When did
14 you see this portion of the policy file enacted?

15 A. Actually, I'd seen it enacted several days
16 before the 5th, posted on the SEIU 1000 website.

17 Q. And what exactly did that action entail?

18 A. It was temporarily suspending the VPs.

19 Q. Okay. And what exactly did that HR1
20 suspension letter state?

21 THE HEARING OFFICER: Mr. Brown, the best
22 evidence of what the HR1 letter states is the HR1
23 letter. Is it in evidence?

24 MR. BROWN: Yes, it is. I can't remember the
25 exhibit.

1 THE HEARING OFFICER: We don't need testimony
2 from this witness as to what it states.

3 MR. BROWN: So I don't need the testimony?

4 THE HEARING OFFICER: Correct.

5 MR. BROWN: All right.

6 BY MR. BROWN:

7 Q. Darin, do you know who Local 1000 member Jared
8 Reece is?

9 A. Yes, I do.

10 Q. And when did you become aware of Jared Reece?

11 A. Mr. Reece was actually a very vocal
12 detractor --

13 THE HEARING OFFICER: When did you become
14 aware is the question.

15 THE WITNESS: About a couple of days after
16 President Brown was announced that he had won the
17 election for presidency.

18 BY MR. BROWN:

19 Q. Okay. So you just said when. What exactly
20 did he say about me?

21 A. As far as from what I recall on the social
22 media post, that he was not in favor of you winning the
23 election and he felt that our Union was being put
24 backwards and, from what I recall from what one of his
25 statements were, with you winning the election as

1 president of SEIU 1000.

2 Q. Darin, to your personal knowledge, has he told
3 you that he's a supporter of me?

4 A. No, not directly.

5 Q. So let me clarify this.

6 THE HEARING OFFICER: No need to clarify. He
7 answered the question.

8 BY MR. BROWN:

9 Q. All right. How did Jared Reece talk about his
10 feelings regarding my presidency?

11 THE HEARING OFFICER: He already answered that
12 question.

13 BY MR. BROWN:

14 Q. All right. Where did he say these things at,
15 Darin?

16 A. Numerous Facebook pages that Union members
17 frequent.

18 Q. Darin, when did other people talk about not
19 supporting me on Facebook?

20 MR. ANDONIAN: Objection. Leading. Vague.

21 THE HEARING OFFICER: Sustained on both
22 counts.

23 BY MR. BROWN:

24 Q. All right, Darin. To your personal knowledge,
25 did Jared Reece want me removed as president?

1 A. Yes. He supported those actions.

2 Q. To your personal knowledge, did Jared Reece
3 take pictures on March 5th to bias people against me?

4 MR. ANDONIAN: Objection --

5 THE HEARING OFFICER: Leading.

6 BY MR. BROWN:

7 Q. Darin, can you elaborate with additional
8 information on how Jared Reece -- what things he said?

9 THE HEARING OFFICER: Vague.

10 MR. BROWN: Vague?

11 THE HEARING OFFICER: Mr. Brown, don't try to
12 make your entire defense on one witness, and
13 particularly not on redirect.

14 BY MR. BROWN:

15 Q. All right. This is the last question about
16 Jared Reece, Darin. To your personal knowledge, would
17 Jared Reece do anything to remove me as president of
18 Local 1000?

19 THE HEARING OFFICER: Vague and speculative.
20 Do you need this document up any longer?

21 MR. BROWN: No, sir.

22 THE HEARING OFFICER: Proceed.

23 MR. BROWN: All right. Those are all the
24 questions.

25 THE HEARING OFFICER: Is there recross?

1 MR. ANDONIAN: No, Mr. La Rue.

2 THE HEARING OFFICER: The witness is excused.
3 Thank you, Mr. Stahl.

4 We'll take a 15-minute break here. I
5 understand that in 15 more minutes we will take a longer
6 break. We'll be back on the hour, at 12:00.

7 Mr. Brown, be prepared to call your next
8 witness. I take it it's Mr. Rocha.

9 MR. BROWN: He's texted me saying -- if he
10 can't go at 12:00, he'll have to go at 1:00 p.m. So I'm
11 trying to ask him that question.

12 THE HEARING OFFICER: Get your next two
13 witnesses up and have them ready.

14 (Break taken.)

15 THE HEARING OFFICER: Mr. Brown, are you
16 there? You're muted.

17 MR. BROWN: Yes. I'm here. I'm trying to
18 make sure the next person is ready.

19 THE HEARING OFFICER: There is no one in the
20 waiting room at this point.

21 MR. BROWN: All right. One quick minute.

22 THE HEARING OFFICER: Mr. Roque.

23 MR. ROQUE: Yes?

24 THE HEARING OFFICER: Sorry. I read wrong. I
25 thought it was the witness.

1 MR. BROWN: She's trying to log on right now.
2 She's stating that it's asking for an
3 identification code.

4 THE HEARING OFFICER: Lisa, can you help her?

5 MS. MATTSON: If it's to log in to her Zoom
6 account, it would be sent to her email and then that
7 would need to be entered into.

8 MR. BROWN: Okay.

9 (Pause in proceedings.)

10 THE HEARING OFFICER: Mr. Brown, what's the
11 status?

12 MR. BROWN: She hasn't responded back yet.

13 THE HEARING OFFICER: Please identify the rest
14 of your witnesses for today, and ask one of your two
15 assistants to be in contact with them so that you can
16 convey to one of them the approximate time that they
17 will be called so they can be ready to go.

18 MS. LYNCH: Mr. La Rue, we've already done
19 that. We made sure to contact all of the witnesses.

20 THE HEARING OFFICER: It's not happening. I
21 need it to happen. We need to move.

22 MS. LYNCH: I think it's just an individual
23 issue. Because we've contacted all the witnesses, sir.

24 THE HEARING OFFICER: You need to do it on the
25 day of as well during the course of the day.

1 MR. BROWN: So she keeps saying she's being
2 asked for a code.

3 THE HEARING OFFICER: All right. We're going
4 to recess. Since we have to recess in five minutes, we
5 might as well do it now. Be back --

6 Mr. Andonian, how much time did you need?

7 MR. ANDONIAN: I think if we can reconvene at
8 1:00, that would be safe.

9 THE HEARING OFFICER: All right. We're
10 reconvening at 1:00.

11 Mr. Brown, identify the other witnesses that
12 you're going to call for today, make certain that they
13 are on tap and ready to go.

14 All right. We're recessed until 1:00 o'clock.

15 (Whereupon, a lunch break was taken from
16 12:07 p.m. to 1:03 p.m.)

17 MR. ANDONIAN: My apologies for being late.

18 THE HEARING OFFICER: All right. Good
19 afternoon, everyone. We're back on the record.

20 Mr. Brown, you're prepared to call your next
21 witness?

22 MR. BROWN: Yes.

23 THE HEARING OFFICER: Who is it? Pardon me?

24 MR. BROWN: I was asking to call Rick Rocha.

25 THE HEARING OFFICER: Okay. Lisa, could you

1 allow him into the hearing, please.

2 Mr. Brown, I see Mr. Ussery is in the waiting
3 room. The witness after that will be whom, so that Lisa
4 can send another link to them?

5 MR. BROWN: We'll let Peter go after --

6 THE HEARING OFFICER: Who after? Who after?
7 After Mr. Ussery?

8 MR. BROWN: Yes.

9 THE HEARING OFFICER: Mr. Brown, listen to me.
10 I'm asking a question. Who after Mr. Ussery?

11 MR. BROWN: Oh. That person hopefully will be
12 Monica Rodriguez. I'm still trying to reach her right
13 now.

14 THE HEARING OFFICER: You have the email for
15 her?

16 MR. BROWN: Yes.

17 THE HEARING OFFICER: Lisa will take care of
18 sending another link to her now. Please ask one of your
19 assistants to continue to follow up while you are
20 directing -- doing the examination of the next witness.

21 MR. BROWN: Thank you.

22 THE HEARING OFFICER: Mr. Rocha seems to be
23 having a problem signing in.

24 All right, Mr. Rocha.

25 MR. ROCHA: How are you?

1 THE HEARING OFFICER: Great. A couple of
2 preliminary matters before testimony.

3 This is a hearing, as you know, to determine
4 the validity of certain charges. The way we will
5 proceed is that Mr. Brown has called you as a witness
6 and will be asking questions of you on direct
7 examination.

8 MR. ROCHA: Perfect.

9 THE HEARING OFFICER: Following his direct
10 examination, Mr. Andonian --

11 Mr. Andonian, please raise your right hand.

12 Mr. Andonian, who represents the charging
13 party, will ask you questions on cross-examination.

14 MR. ROCHA: Very good.

15 THE HEARING OFFICER: Okay. So that you know
16 who is in the hearing room, my name is Homer La Rue. I
17 am the neutral hearing officer and responsible for
18 running the hearing and making the final recommendation.
19 With me is the neutral case administrator, adviser,
20 Ms. Grdina.

21 In the upper right-hand corner, left-hand
22 corner, whichever it is, is the court reporter. So your
23 testimony is being recorded today.

24 With Mr. Brown are two assistants,
25 Mr. Roque -- raise your hand -- and Ms. Lynch. Please

1 raise your hand.

2 The charging party, as I've indicated, is
3 Mr. Anica Walls. I know you're driving. Can you just
4 raise a finger. And she is represented by Mr. Andonian,
5 whom you have met.

6 Okay?

7 MR. ROCHA: Sounds good.

8 THE HEARING OFFICER: All right. A couple of
9 questions. Are you in a private space where no one can
10 overhear your testimony?

11 MR. ROCHA: I am at home on my lunch hour. I
12 am.

13 THE HEARING OFFICER: Is there anybody in the
14 room with you?

15 MR. ROCHA: There is not.

16 THE HEARING OFFICER: Do you have any
17 materials in front of you pertaining to this matter?

18 MR. ROCHA: I do not.

19 THE HEARING OFFICER: Do you have any material
20 on an electronic device -- a computer, a cell phone, a
21 tablet -- pertaining to this matter?

22 MR. ROCHA: I do not.

23 THE HEARING OFFICER: In a minute or so I'm
24 going to ask you to take an affirmation or an oath.
25 Before that, let me tell you that if Mr. Andonian

1 asserts -- excuse me -- an objection, please cease to
2 answer the question that Mr. Brown has put to you until
3 I have ruled on the objection.

4 MR. ROCHA: Will do.

5 THE HEARING OFFICER: Any questions?

6 MR. ROCHA: None.

7 THE HEARING OFFICER: Thank you. Will you
8 please raise your right hand.

9 Do you swear or affirm that the testimony
10 you're about to give in this proceeding will be the
11 truth and the whole truth?

12 THE WITNESS: I do, sir.

13 THE HEARING OFFICER: Thank you.

14 RICK J. ROCHA,
15 called as a witness on behalf of the Charged Party
16 Brown, was sworn and testified as follows:

17 THE HEARING OFFICER: Mr. Brown, you may
18 proceed.

19 MR. BROWN: Thank you.

20 DIRECT EXAMINATION

21 BY MR. BROWN:

22 Q. Rick, first question. When did you discuss
23 with members the issue of board meetings?

24 A. I haven't discussed any issue with board
25 member meetings other than as a whole in speaking with,

1 you know, my veterans, as the veteran committee chair.
2 As the senior steward, as you know, I am on the
3 membership drive. However, the obstacle that we're
4 running into is that a lot of the veterans are adamant
5 about not joining --

6 THE HEARING OFFICER: Mr. Rocha -- Mr. Rocha,
7 try to keep your answer to the question that's put to
8 you. If Mr. Brown has a subsequent question, he'll ask
9 you.

10 THE WITNESS: My bad.

11 So I don't recall discussing with board
12 members on any of that question.

13 BY MR. BROWN:

14 Q. So a follow-up is when did you discuss with
15 at-large members about board meetings?

16 A. During interactions with veterans. You know,
17 as I'm going across, you know, our area here, local
18 region, the veterans that I'm discussing with mostly are
19 upset with mostly not just the board meetings but
20 treatment.

21 Q. So I'll ask you this follow-up question. What
22 was said in that discussion with members at large about
23 the board meetings?

24 A. They didn't really like the way that you were
25 being treated. They didn't like the treatment of an

1 honor -- a fellow honorable veteran, yourself. As you
2 know, I'm a Marine Corps veteran. You're an Air Force
3 veteran. The people that I try to serve and represent
4 are veterans in the member capacity. And so they're not
5 happy with the overall treatment that you were
6 receiving: i.e., questions, attacks, et cetera.

7 Q. And where were these conversations being held
8 with at-large members?

9 A. Oh, in a one-on-one space. You know, whenever
10 I would talk with veterans in our office, across the
11 state. I work from Indio.

12 Can you hear me now?

13 THE HEARING OFFICER: Yes, you're fine.

14 THE WITNESS: I cover regions from Indio down
15 to Temecula; so a pretty broad range. So, you know, the
16 veterans, including committee members, have identified
17 for me one-on-one, in an anonymous forum, the
18 displeasure in which the treatment is being issued to
19 another fellow honorable veteran and, may I mention, a
20 member-led vote that was mostly by veterans as well.

21 BY MR. BROWN:

22 Q. When did you initially vote for me for
23 president?

24 A. I voted in the first ballot. I don't recall.
25 Was that 2020, I guess? And, yeah, I felt that the

1 platform in which you were campaigning aligned with what
2 my and other fellow veterans -- remember, I wasn't the
3 committee chair at that point, but I was just another
4 member -- a career-long member. I've been a member
5 since 2009. I've been a steward. I started a year
6 after that. So, yeah, I voted for you in the first
7 election, 2020, based on your platform and based on the
8 messaging that was being conveyed.

9 Q. So a follow-up question to that, when did you
10 vote for Anica?

11 A. I never voted for Anica. I didn't know who
12 Anica was. I only vote -- I believe, if I'm not
13 mistaken --

14 THE HEARING OFFICER: What's the answer to the
15 question, Mr. Rocha?

16 THE WITNESS: I don't believe I voted for
17 Anica.

18 BY MR. BROWN:

19 Q. A follow-up to that is when did you vote for
20 David Jimenez?

21 A. I don't believe I voted for David Jimenez
22 either.

23 Q. And a follow-up to that, you said "in the
24 first election." When was that first election, in your
25 mind, to your personal knowledge, I ran for office?

1 THE HEARING OFFICER: Asked and answered.

2 Let's move on. Asked and answered.

3 MR. BROWN: Yes, sir.

4 BY MR. BROWN:

5 Q. When did you discuss with board members about
6 the HR1 process?

7 A. Oh, I never discussed with the -- HR1 process.

8 Q. All right. I'm sorry. I want to go back to
9 what I initially said before I go into this line of
10 questioning.

11 Were you aware of the platform of Anica with
12 the members?

13 A. I've never even heard a platform of Anica with
14 the members. I've never -- as I said, I only heard the
15 president -- your platform, which led to my vote. I've
16 never seen a platform for Anica.

17 Q. And were you ever aware of David Jimenez's
18 platform with the members?

19 A. No.

20 Q. Okay. Thank you.

21 So I'm going to repeat the question for --

22 THE HEARING OFFICER: Please don't repeat.
23 Just move on to your next question.

24 BY MR. BROWN:

25 Q. All right. When did you discuss the HR1

1 process with the board -- board members?

2 THE HEARING OFFICER: Asked and answered. He
3 said he did not.

4 BY MR. BROWN:

5 Q. All right. So when did you discuss the HR1
6 process with members at large?

7 A. I believe I've only discussed with a handful
8 of individuals, veterans of the process.

9 THE HEARING OFFICER: The question was when
10 did you have that discussion -- those discussions.

11 THE WITNESS: Oh, I don't recall. Maybe
12 when -- maybe during the filing.

13 THE HEARING OFFICER: Mr. Rocha, when a
14 question is put to you, I would ask you not to guess.
15 If you don't know, it's okay to say "I don't know" --

16 THE WITNESS: I don't know.

17 THE HEARING OFFICER: -- or "I don't
18 remember."

19 THE WITNESS: Okay, sir. Then I don't know to
20 the last. I'm sorry.

21 BY MR. BROWN:

22 Q. All right. And what was said -- when you
23 talked about the HR1 process with the members at large,
24 what was said?

25 A. That it seemed like it was an unfair process

1 against yourself. Like it didn't -- it didn't feel
2 like -- it didn't feel like there were fair charges or
3 full transparency on what was occurring with our vote of
4 a president that we voted for mostly.

5 Q. All right. And were the members aware of
6 David or Anica's platform --

7 A. Never.

8 Q. -- members at large?

9 MR. ANDONIAN: Objection. Calls for
10 speculation.

11 THE HEARING OFFICER: Objection. Objection.
12 It's speculative. He has no way of knowing what is in
13 the minds of the other members. Next question.

14 BY MR. BROWN:

15 Q. In his opinion -- in your opinion, Rick, what
16 was in the minds of the members --

17 THE HEARING OFFICER: Still speculative.
18 Doesn't matter. It's speculative.

19 BY MR. BROWN:

20 Q. All right, Rick. In your conversations with
21 members, what did they say regarding platforms of the
22 candidates who ran for office?

23 A. Well, that's pretty -- well, for the members
24 that I've spoken with, again, all veteran members, the
25 consensus is that the platform that won, yours, was the

1 predominant winner in their minds. They wanted it to be
2 a fully, 100-percent-member-led union, which was your
3 predominant feature of the platform, that votes would
4 predicate the direction in which our Union was to be
5 led, run, et cetera.

6 I believe another underlying feature for
7 everyone was that the corruption. The direction that
8 Yvonne Walker had led the Union down was one that we
9 just wanted to get away from. And that's just my
10 personal and professional opinion based on the
11 conversations with the vets. They wanted -- they liked,
12 one, that you were an honorable veteran, and they wanted
13 the platform to be instilled, which, like I said, was a
14 100 percent member-led union.

15 Q. And to your personal knowledge, did they ever
16 speak of the platforms from Anica or David?

17 A. Never. Not once. They still don't even know
18 what it is. I couldn't tell you what the platform is.

19 MR. ANDONIAN: Objection. Nonresponsive.

20 THE HEARING OFFICER: Asked and answered.

21 Move on, please.

22 BY MR. BROWN:

23 Q. All right. Next question. When did I hold
24 board meetings?

25 A. You know, on occasion. I think I've only been

1 at one or two. I recall the first board meeting in
2 which I believe I met you was in Riverside. It was at a
3 building, and I remember -- I imagine everybody that was
4 there would remember me because I was sick. I was
5 gravely ill. I just got over a 30- to 60-day bout with
6 COVID-19, and I could barely talk. And so I think that
7 was the first interaction and our first meeting and my
8 first meeting of both Anica and David as well.

9 And, you know, I was stricken. I was --
10 interestingly enough, in your campaign you were loud.
11 You got out there in front of everything --

12 MR. ANDONIAN: Objection. Nonresponsive.

13 THE HEARING OFFICER: Sustained.

14 MR. BROWN: I'll do a follow-up.

15 THE WITNESS: That's fine.

16 BY MR. BROWN:

17 Q. When you came to my first board meeting, what
18 was said when you met me?

19 A. You know, interestingly enough, what was said
20 was everybody had a chance to talk. They let me talk a
21 little bit, which I couldn't very well. You know, I was
22 still sick. But everybody else was talking. And it was
23 interesting. You were sitting in the corner, as I
24 recall, being active -- pretty actively listening and
25 letting everybody have a say, a go-around. And until

1 everybody was done, you didn't speak.

2 And then I remember you said, "Hey, here's
3 what we're going to do. Here's what some of the -- you
4 know, our direction might be." And that was -- and that
5 was refreshing. I enjoyed that meeting. You know, but
6 other than that, I think I've only attended maybe one or
7 two.

8 Q. Okay. When did -- do you recall me conducting
9 business during these board meetings?

10 THE HEARING OFFICER: What board meetings?
11 The witness has testified he's only been to one or two
12 meetings. Which meetings are you talking about?

13 MR. BROWN: The meetings I'm referring to is
14 the board of directors meetings.

15 THE HEARING OFFICER: I know that there are
16 board of directors meetings. There are a number of
17 board of directors meetings. This witness has testified
18 he attended the first board of directors meeting that
19 you presided over and one other.

20 BY MR. BROWN:

21 Q. Rick, the meetings that you attended, do you
22 recall me conducting business at these board meetings,
23 the one or two that you attended?

24 A. I do not.

25 Q. When did I ever call board meetings as

1 training?

2 THE HEARING OFFICER: I'm sorry. I didn't
3 hear the question.

4 BY MR. BROWN:

5 Q. I'm sorry. When did I ever call board
6 meetings as training?

7 THE HEARING OFFICER: As training?

8 MR. BROWN: As training, yes, sir.

9 MR. ANDONIAN: Objection. Leading.

10 THE HEARING OFFICER: I'll permit the
11 question.

12 Do you understand the question, Mr. Rocha?

13 THE WITNESS: I think I do, sir. Thanks.

14 I don't recall any board of directors meeting
15 being identified as training.

16 BY MR. BROWN:

17 Q. When did I try to work with Anica Walls?

18 THE HEARING OFFICER: I think the question is
19 whether you did or not. When precedes -- you need a
20 preceding question. It's not when.

21 MR. BROWN: So in this case, I can say did I?

22 THE HEARING OFFICER: That's what we need to
23 know before you can ask when.

24 BY MR. BROWN:

25 Q. Did I try to work with Anica Walls?

1 MR. ANDONIAN: Mr. La Rue, I'll just object to
2 the extent that this question is asking for Mr. Rocha's
3 opinion or, I guess, based on his perception, that's
4 fine. Obviously, he can't testify about what Mr. Brown
5 actually was trying to do.

6 THE HEARING OFFICER: Mr. Rocha, the question
7 is whether you [sic] worked with Anica Walls. Please
8 answer that question.

9 MS. GRDINA: Mr. Brown worked.

10 THE HEARING OFFICER: Do you know from your
11 personal knowledge whether Mr. Brown worked with Anica
12 Walls?

13 THE WITNESS: Well, one experience that I can
14 draw --

15 THE HEARING OFFICER: Don't speculate. You
16 either know from your personal knowledge or you don't
17 know. I don't want you to speculate.

18 THE WITNESS: As I was going to say, sir, the
19 one experience that I shared where Richard Brown did
20 work with Anica Walls was on initiating a training,
21 which I attended as a steward, which was the Fast Track.
22 I was in the training. I believe Richard prefaced the
23 meeting with a wonderful introduction of Anica, who I
24 had never met or heard of or known to that point. And I
25 thought it was glowing and I thought it was caring.

1 And it seemed as though, with the
2 back-and-forth banter, that there was a -- you know,
3 based on my years of experience, professional and
4 personal, it seemed that there was some form of an
5 amicable relationship. So I would have to say I have
6 seen and I did perceive, if that helps.

7 BY MR. BROWN:

8 Q. Rick, do you have any personal animosity
9 towards Anica, David, or any of the vice presidents?

10 A. I do not.

11 Q. Do you feel that we are, Local 1000, a
12 member-ran union?

13 A. I do not. I think it's a board of
14 directors --

15 THE HEARING OFFICER: That's --

16 BY MR. BROWN:

17 Q. Okay. Please elaborate, sir.

18 A. I feel like at this point it is a board of
19 directors-led union with the installation of Bill Hall,
20 someone that was not voted in by any form or fashion of
21 any member. And at the very least -- and I can say that
22 I've had discussions with both vice presidents --

23 THE HEARING OFFICER: Now you're not
24 responsive to the question.

25 THE WITNESS: Okay.

1 BY MR. BROWN:

2 Q. So then the follow-up is what discussions did
3 you have with the vice presidents to make you feel this
4 way?

5 A. Well, I discussed my displeasure with the
6 direction in which the Union has now gone, especially --
7 or mostly with the installation of Bill Hall. And I've
8 had most discussion with Dave, you know. For whatever
9 reason, I remain comfortable in talking with him about
10 it. But nobody voted for Bill Hall. And I exemplified
11 that not just did we vote for Richard Brown, we voted
12 for the platform. So whatever was going on, I still
13 reminded Dave that we needed to get back to the platform
14 in which the member-led union voted.

15 THE HEARING OFFICER: And, Mr. Rocha, by
16 "Dave," you mean Dave whom? Last name, please.

17 THE WITNESS: Vice President David Jimenez.
18 Sorry for that.

19 THE HEARING OFFICER: Thank you.

20 BY MR. BROWN:

21 Q. And what is your reason for being here today
22 to testify?

23 A. Well, I'm hoping that this -- I'm hoping that
24 this will alleviate whatever suspension, whatever issues
25 are arising and that we can get back to our member-led

1 union with the member-voted president -- yourself -- and
2 addressing the platform in which we were moving forward
3 to accomplishing.

4 Q. And what exactly do you -- from your personal
5 knowledge, what exactly do you feel is needed to get us
6 back to a member-run union?

7 MR. ANDONIAN: Objection. Relevance.

8 THE HEARING OFFICER: Sorry, Mr. Andonian. I
9 didn't hear you.

10 MR. ANDONIAN: I just said objection.
11 Relevance at this point.

12 THE HEARING OFFICER: Sustained.

13 BY MR. BROWN:

14 Q. Rick, would you say you have an amicable
15 relationship with the vice presidents?

16 A. Yeah, I do, both of them.

17 Q. Can you tell me when this relationship
18 started?

19 A. Well, the initial meeting went pretty well.
20 Since that initial meeting where I met both VP Dave
21 Jimenez and VP Anica Walls, I've attended a training
22 with both at, I want to say, the House of Fed. It was a
23 weeklong training. I sat next to Vice President Anica
24 Walls for the majority of the training and had some
25 sidebar discussion, which I thought was real nice,

1 amicable. She's a very pleasant person. We have some
2 similar experiences from, you know, a Chicago upbringing
3 neighborhood and sports, et cetera. So it was pretty
4 good.

5 Dave and I have maintained a professional
6 working relationship. We try to follow up monthly
7 regarding the vet committee.

8 Q. Can you please elaborate a little bit more on
9 that conversation with Vice President David Jimenez?

10 A. Yeah. I mean, I regularly talk to him about
11 the ongoings with the vet committee: what the hurdles
12 are; what some of the feedback, like I said, negative
13 and positive that I'm getting from some of the members;
14 what the turnout is and some of the hurdles that I'm
15 encompassing [sic] in regards of identifying who the
16 veteran members really are. So some of those things.

17 And, again, trying to get them back to --
18 always the discussion ends up with, you know, why are we
19 allowing Bill Hall to manipulate our member-led union if
20 it's, indeed, member led. It seems more board of
21 directors led. And some of the issues that were
22 hindering you and why the suspension is still in place
23 and how are we getting back to --

24 THE HEARING OFFICER: Mr. Rocha, it's now
25 nonresponsive.

1 THE WITNESS: Okay. Sorry. Ran on too far
2 there. My mistake.

3 Did that answer, Rick?

4 MR. BROWN: Yes.

5 BY MR. BROWN:

6 Q. So, Rick, would you say you're not against any
7 of the VPs or myself?

8 THE HEARING OFFICER: Asked and answered.

9 BY MR. BROWN:

10 Q. What is your personal opinion about the
11 process of attempting to remove me as president?

12 MR. ANDONIAN: Objection. Relevance.

13 THE HEARING OFFICER: Irrelevant. Move on.

14 BY MR. BROWN:

15 Q. All right. What is your personal opinion
16 about the HR1 process?

17 MR. ANDONIAN: Objection. Irrelevant.

18 THE HEARING OFFICER: Irrelevant. Move on.

19 BY MR. BROWN:

20 Q. When were you aware of an HR1 process for
21 Local 1000?

22 A. Oh, I don't recall the date in which I
23 received -- I received some forms and findings, but I
24 couldn't go -- earlier this year, I would say.

25 Q. All right. And in your conversations with

1 Vice President Jimenez, is he agreeing with you about
2 unsuspending me?

3 A. I don't believe we ever finalized that
4 question.

5 Q. Have you ever used the HR1 process?

6 A. I -- this is the first time that I've used it.

7 Q. All right. Who were your discussions with --

8 THE HEARING OFFICER: We need a clarification.
9 The question was whether or not the witness has used the
10 process, and his answer was this is the first time he's
11 used the process. There is no evidence that this
12 witness has used the process in the form of either
13 having been charged in an HR1 or having charged anyone
14 else in an HR1. Therefore, the record is unclear as to
15 what you mean by the word "use."

16 MR. BROWN: All right. So I'll try to
17 clarify.

18 BY MR. BROWN:

19 Q. Rick, when did you use the HR1 process?

20 THE HEARING OFFICER: Mr. Brown, it's still
21 using the same word. What does "use" mean? Are you
22 asking the witness "Have you ever brought an HR1
23 charge?" Or are you asking the witness "Have you ever
24 been charged under an HR1?"

25 MR. BROWN: Yes, sir.

1 BY MR. BROWN:

2 Q. So, Rick, have you ever charged someone with
3 an HR1?

4 A. I believe I filed three against the three vice
5 presidents recently, if I'm not mistaken. Is that
6 right? Or...

7 THE HEARING OFFICER: We don't know.

8 THE WITNESS: I don't know. There you go.
9 That's a better answer. I don't know the process, to
10 answer educatedly.

11 BY MR. BROWN:

12 Q. But, to clarify, you did file HR1s against the
13 three vice presidents?

14 A. Correct.

15 Q. During your discussions with members, have you
16 ever heard of Anica's wish to remove me from office?

17 A. I think -- I don't know that I heard that from
18 members, but I think -- if I can answer, I think it was
19 implied.

20 THE HEARING OFFICER: That's responsive to the
21 question.

22 THE WITNESS: I'm sorry, sir. Say again.

23 THE HEARING OFFICER: Your answer was
24 responsive to the question. Anything further would not
25 be.

1 THE WITNESS: Thank you.

2 BY MR. BROWN:

3 Q. Have you ever heard of any rumor of Anica
4 trying to remove me from office?

5 A. I think the -- I can't say that I have.

6 Q. All right. What happened with the HR1s that
7 you filed?

8 THE HEARING OFFICER: Irrelevant. Not before
9 me. Move on.

10 BY MR. BROWN:

11 Q. Can you tell me your personal knowledge of how
12 upset members are about, quote, "the suspension" of me?

13 THE HEARING OFFICER: Irrelevant. Move on.

14 MR. BROWN: All right. So, Mr. La Rue, the
15 reason I asked about the HR1s that was filed --

16 THE HEARING OFFICER: I don't care. Move on.
17 I heard the question. I made the ruling.

18 MR. BROWN: But you're not allowing me to
19 explain why I asked the question so you can actually
20 make a different ruling.

21 THE HEARING OFFICER: In order to move this
22 thing along, go ahead, Mr. Brown.

23 MR. BROWN: Thank you for your time.

24 The reason I asked about the HR1, it goes to
25 the filing process. What I'm trying to show is that

1 there is politics going on as far as this HR1 process --

2 THE HEARING OFFICER: The witness already
3 testified and I've ruled, but my ruling is still the
4 same having heard your explanation.

5 MR. BROWN: All right. So can I take a quick
6 break for a moment?

7 THE HEARING OFFICER: Five minutes.

8 MR. BROWN: Thank you for your time.

9 THE HEARING OFFICER: Back at a quarter till.
10 Mr. Rocha?

11 THE WITNESS: Sir.

12 THE HEARING OFFICER: Where are you? I don't
13 see you. Oh, there you are. You're still on the stand.
14 You're not to have any conversation with anyone about
15 the case. Okay? You may walk away and get some water,
16 do whatever you want. But no conversation.

17 THE WITNESS: Thank you.

18 (Break taken.)

19 THE HEARING OFFICER: Mr. Brown, I'm going to
20 give you some leeway to ask the witness questions with
21 regard to his filing of the H- -- his filing of the HR1
22 and his knowledge about what happened to those filings,
23 if that's where you were going. Proceed.

24 BY MR. BROWN:

25 Q. Rick, as far as the HR1 filings, did you file

1 an HR1?

2 A. Yes.

3 THE HEARING OFFICER: We know that. That's
4 asked and answered. Let's move on. Get to the point.

5 BY MR. BROWN:

6 Q. All right. So the point is has Local 1000
7 responded to your HR1 process?

8 A. I believe I received an email stating she
9 received them. Somebody received them.

10 Q. And that response, did they tell you they were
11 going to an outside arbitrator?

12 A. They sent me a letter. I don't recall the
13 specifics on it. But I do have a return receipt of
14 filings.

15 Q. All right. And I'll try to speed it up
16 because I know you have to be gone by 2:00 o'clock.

17 Did you view the December 29th budget meeting?

18 A. I don't believe so. No.

19 Q. Okay. The meetings that you did attend, what
20 type of behavior did I exhibit?

21 THE WITNESS: Are we good, Judge?

22 THE HEARING OFFICER: Unless you hear an
23 objection, you may answer the question.

24 THE WITNESS: I would have to identify them as
25 professional, in my opinion.

1 BY MR. BROWN:

2 Q. I'm sorry. Thank you. Let me go back to that
3 HR1 that you filed against the three vice presidents.
4 When did you file that HR1?

5 A. Last month.

6 Q. Thank you very much.

7 During the board meetings that you attended,
8 did I allow members to speak?

9 A. Probably too much. Yes.

10 Q. Did I allow the board members to speak?

11 A. Whenever I heard them, yes.

12 MR. BROWN: All right, Mr. La Rue. I'm going
13 to stop here so Mr. Andonian can cross.

14 THE HEARING OFFICER: Cross-examination,
15 Mr. Andonian.

16 MR. ANDONIAN: I have no questions,
17 Mr. La Rue.

18 THE HEARING OFFICER: The witness is excused,
19 and thank you for your service, sir.

20 THE WITNESS: Thank you, all. Have a
21 wonderful day.

22 THE HEARING OFFICER: Mr. Brown, call your
23 next witness.

24 MR. BROWN: Peter Ussery.

25 THE HEARING OFFICER: Good afternoon. Sir,

1 will you unmute yourself.

2 MR. USSERY: Can you hear me now?

3 THE HEARING OFFICER: We can hear you now. My
4 name is Homer La Rue. I am the hearing officer for this
5 proceeding. A few preliminary matters before we get
6 underway.

7 Also assisting me in this hearing is the
8 neutral case administrator, Ms. Grdina. Your testimony
9 is being recorded by a court reporter, who is shown on
10 the screen as well. The charging party here is
11 Ms. Anica Walls. She is represented by legal counsel,
12 Mr. Phil Andonian. Of course, you know Mr. Brown. And
13 he is assisted by Mr. Roque. Ms. Lynch -- I take it
14 will be back on video in a moment -- is also assisting
15 Mr. Brown. This meeting is being hosted by SEIU Local
16 1000.

17 A couple of preliminary questions for you.
18 Are you in a private space where no one can hear your
19 testimony?

20 MR. USSERY: I'm the only one in this room.
21 My wife is in the house.

22 THE HEARING OFFICER: That's fine. So there
23 is no one in the room with you?

24 MR. USSERY: There is no one in the room with
25 me.

1 THE HEARING OFFICER: Are there any materials
2 in front of you pertaining to this case?

3 MR. USSERY: No.

4 THE HEARING OFFICER: Very well. Are there
5 any materials on an electronic device -- either a
6 tablet, a cell phone, a computer -- pertaining to this
7 case?

8 MR. USSERY: No.

9 THE HEARING OFFICER: Very well. What is
10 going to happen when we get underway is Mr. Brown is
11 going to ask you questions on direct examination. When
12 he is finished asking you questions on direct
13 examination, Mr. Andonian will have an opportunity to
14 ask you questions on cross-examination.

15 If you hear, during the direct examination,
16 Mr. Andonian make an objection, please stop talking. Do
17 not answer the question until I have ruled on the
18 objection. Similarly, when you're under
19 cross-examination, if Mr. Brown makes an objection,
20 please stop talking and wait until I've ruled on the
21 objection.

22 Do you understand?

23 MR. USSERY: Yes. Objection means stop
24 talking.

25 THE HEARING OFFICER: Right. If either

1 Mr. Brown or Mr. Andonian ask you a question and you do
2 not understand the question, you may say that you do not
3 understand the question. And whoever is examining you
4 will then reframe the question. You need not guess as
5 to what the question means.

6 Do you understand?

7 MR. USSERY: I believe so.

8 THE HEARING OFFICER: All right. If you have
9 any questions during the direct examination or
10 cross-examination, please raise them with me. All
11 right.

12 MR. USSERY: Okay.

13 THE HEARING OFFICER: Now I'm going to ask you
14 to take an oath or affirmation by raising your right
15 hand.

16 Do you swear or affirm that the testimony
17 you're about to give in this proceeding will be the
18 truth and the whole truth?

19 THE WITNESS: I do.

20 THE HEARING OFFICER: Thank you.

21 PETER USSERY,
22 called as a witness on behalf of the Charged Party
23 Brown, was sworn and testified as follows:

24 THE HEARING OFFICER: Mr. Brown, you may
25 proceed.

1 MR. BROWN: Thank you.

2 DIRECT EXAMINATION

3 BY MR. BROWN:

4 Q. Peter, when did you discuss board meetings
5 with --

6 THE HEARING OFFICER: Mr. Brown, could I ask
7 you to ask the witness to identify himself for the
8 record and spell his name for the court reporter.

9 BY MR. BROWN:

10 Q. Peter, could you identify your full name for
11 the court reporter.

12 A. Yes. My name is Peter Ussery, U-s-s-e-r-y.

13 Can you hear me okay?

14 THE HEARING OFFICER: We can hear you.

15 THE WITNESS: Oh, okay.

16 THE HEARING OFFICER: Proceed, Mr. Brown.

17 BY MR. BROWN:

18 Q. Peter, when did you discuss with board members
19 about board meetings?

20 A. I -- I -- the only time I ever discussed with
21 board members -- or, I'm sorry. The only time I ever
22 discussed with board members would be like in my local
23 DLC after the fact with the president. I can't even
24 think of her name right now. I'm really nervous. I'm
25 sorry.

1 THE HEARING OFFICER: Take your time. There
2 is no rush. If you need to take a break, let us know.

3 THE WITNESS: No, I'm fine. For some reason,
4 I can't remember her name.

5 BY MR. BROWN:

6 Q. So when did you discuss the board meeting with
7 just members in your DLC, if that makes it more clear?

8 A. I haven't discussed the meeting with the --
9 could you please repeat the question?

10 Q. Yes, sir. When have you discussed board
11 meetings with members in your DLC?

12 A. It would just be at the steward -- the local
13 stewards meeting.

14 Q. And what was said at the local stewards
15 meeting?

16 A. The president didn't -- the president didn't
17 agree what was happening with the way -- the way things
18 were going, that it could have been handled differently.
19 But this is way after the fact. This is after you were
20 removed or suspended. It wasn't during that time. It
21 was way after the fact.

22 THE HEARING OFFICER: Mr. Ussery, when you use
23 the word "president," to whom are you referring?

24 THE WITNESS: To R.L. Brown.

25 THE HEARING OFFICER: Thank you.

1 BY MR. BROWN:

2 Q. All right, Peter. When did I hold, quote,
3 "board meetings"?

4 A. I don't remember how often. It seems like
5 they were a lot. I don't remember if it was every
6 6 weeks or every 12 weeks. I don't remember how often
7 that they were.

8 Q. Do you remember what was said at these board
9 meetings?

10 A. Not particularly, no. No.

11 Q. Do you remember what was said at the
12 December 29th budget meeting, board meeting?

13 MR. ANDONIAN: Objection. This assumes facts
14 not in evidence.

15 MR. BROWN: Okay. Fine. I'll ask another
16 question.

17 BY MR. BROWN:

18 Q. At these meetings, Peter, was business
19 conducted?

20 A. Yes.

21 Q. Do you recall what business was conducted?

22 A. The only thing -- the only specific things I
23 remember was the budget.

24 Q. Do you remember -- do you remember me ever
25 calling board meetings training?

1 A. No. I would have remembered that.

2 Q. Do you remember me ever abusing Local 1000
3 leaders or members?

4 A. I remember you being assertive to members that
5 were abusive to you.

6 Q. Can you please give me an example -- three
7 examples of when members were abusive to me?

8 A. Well, yeah. Actually, I don't feel
9 comfortable saying it. The one time a member told you
10 to suck a dick. And I don't know how -- anyway, I
11 remember that.

12 I remember you being assertive when I was
13 accused by Mr. Wake of being a racist and he told me I
14 was part of the "boogaloo boys" or "bugaloo boys." And
15 you were sort of defending people like that. That would
16 be like during chats on -- what's it called? --
17 Facebook. But that wasn't an attack on you. You were
18 attacked all the time.

19 College. I even remember Mr. Wake claiming
20 that your degree in college was fake. It was hard to
21 pay attention to the meetings because there was so much
22 chatting online that it took away from the meeting. I
23 don't know. I'm sorry.

24 Q. So let me ask a follow-up question. Do you
25 feel that those meetings were sabotaged in a way by my

1 attackers?

2 MR. ANDONIAN: Objection. Leading.

3 THE HEARING OFFICER: Sustained.

4 BY MR. BROWN:

5 Q. Do you feel that the board meetings that I
6 conducted were allowed to be conducted fairly?

7 A. I think that they were attempted to be allowed
8 to be conducted fairly. It kind of ended up being a
9 circus. Not because of the way they were handled but
10 because of the way people continuously attacked.

11 MR. BROWN: One moment.

12 BY MR. BROWN:

13 Q. How do you think those attacks affected my
14 ability to lead at the board meetings?

15 MR. ANDONIAN: Objection --

16 THE HEARING OFFICER: You're asking him to
17 form an opinion about what you were thinking or how you
18 formulated your ideas about running the meeting. Wrong
19 form of the question. Objection sustained.

20 BY MR. BROWN:

21 Q. Peter, did I ever threaten the position of
22 those attacking me in the meetings?

23 A. I cannot recall you threatening anybody.

24 Q. Follow-up question. When you said I was
25 assertive in the meetings, can you give an example?

1 A. Well, I remember Richard Wake calling you a
2 chicken and a coward or a coward and a chicken. And
3 that was after giving him plenty of time to talk, and he
4 wouldn't stay to the facts. And, I believe, after that
5 point you ended the conversation, if I remember right.

6 So being assertive, to me, the conversation
7 was no longer adding any value to anything; so you ended
8 the call. So somebody might think that you were being
9 mean because you didn't let him finish talking.

10 Q. Do you recall how long I allowed him to talk
11 and belittle me?

12 A. A lot longer than I would have. It felt like
13 several minutes. It might not have been that long. I
14 know that it stressed me out being an observer seeing
15 people attack you the way they did. I can't imagine
16 what it would have been like from your perspective.

17 Q. From your personal knowledge, had you ever
18 seen a Local 1000 leader attacked like this?

19 A. No. Up until the point that you were a
20 leader, all the meetings that I knew of were closed. I
21 didn't see any meetings. With you as leader, it was the
22 first, to me, transparency we had had, that the meetings
23 were open. And -- and that somebody could call in and
24 be able to talk to you in that way. I mean, you
25 actually listened to people and gave them a chance to

1 speak.

2 Q. A follow-up to the transparency, do you feel I
3 ever tried to hide things from membership?

4 A. No. Not at all.

5 Q. Can you give an example of me giving
6 transparency you had never seen before other than me
7 allowing people to talk at board meetings?

8 A. Well, I don't know if this is related. The
9 biggest thing I thought was transparency was that you
10 opened up all the credit card receipts from the past and
11 let us see where our money was going. We were
12 supporting trips and spa trips and Israel trips and all
13 kinds of things that we as members would not have known
14 that our money was being spent on that surely wasn't
15 adding value to our members.

16 Q. Do you recall having conversations with other
17 members about the spa trips and Israel trips?

18 A. Well, yeah --

19 MR. ANDONIAN: Objection. At this point, this
20 is irrelevant.

21 THE HEARING OFFICER: Sustained.

22 THE WITNESS: I have a sore throat. I'm not
23 trying to be rude by taking drinks.

24 THE HEARING OFFICER: No. That's fine. You
25 drink whenever you need to.

1 BY MR. BROWN:

2 Q. All right. Peter, did I demonstrate any form
3 of misconduct at any time during these meetings?

4 A. I don't think so. And I attended most of the
5 meetings, as an observer.

6 Q. Did I ever exhibit any self-interest for my
7 own personal agenda for Local 1000?

8 A. No. Ironically --

9 MR. ANDONIAN: Objection. Calls for
10 speculation.

11 THE HEARING OFFICER: Speculation.

12 BY MR. BROWN:

13 Q. What type of behavior have I exhibited as
14 Local 1000 president?

15 A. One of the things that I liked about you was
16 you that turned down the stipend. I don't really
17 understand why you did that, but I respect it.
18 Honestly, I don't know why somebody would run for office
19 if they weren't going to come out with the extra
20 50 grand a year for a stipend. So I think that shows a
21 lot of character.

22 Q. Okay. So a follow-up on that. Did I ever
23 exhibit any type of financial malfeasance?

24 MR. ANDONIAN: Objection to the extent it's
25 calling for anything other than this witness's own

1 personal knowledge.

2 THE HEARING OFFICER: Well, as I said at the
3 outset, the questions go to what you have personal
4 knowledge of, Mr. Ussery, not to speculate.

5 THE WITNESS: Right. Could you please repeat
6 the question.

7 MR. BROWN: Yes, sir.

8 Could I please rephrase the question,
9 Mr. La Rue?

10 THE HEARING OFFICER: Your question.

11 BY MR. BROWN:

12 Q. From your personal knowledge, did I spend
13 Local 1000 funds unappropriately -- or inappropriately?

14 A. Absolutely not.

15 Q. All right. To your personal knowledge, had
16 you heard of anything regarding Anica's desire to remove
17 me from office?

18 A. I had not heard anything about that one way or
19 the other. I had attended -- my experience --

20 THE HEARING OFFICER: Beyond the scope.
21 Beyond the scope, Mr. Ussery. You've answered the
22 question.

23 THE WITNESS: Sorry.

24 BY MR. BROWN:

25 Q. All right. So let me ask another question.

1 Had you heard of any situation or any rumor about
2 certain individuals wanting to remove me from office?

3 A. I had not heard -- I had not heard anything
4 other than what was -- come out at the -- as it was
5 happening. I had not heard anything ahead of time.

6 Q. You mentioned earlier about the attacks. Do
7 you feel the attacks on me were racially motivated?

8 MR. ANDONIAN: Well, I'm just going to object.
9 This is calling for his own opinion. I guess I'll
10 object to that.

11 THE HEARING OFFICER: It's all it is. I'm
12 going to allow the question.

13 You may answer the question, Mr. Ussery. Your
14 personal opinion.

15 THE WITNESS: I think that if Mr. Brown --

16 THE HEARING OFFICER: "Yes" or "no"?

17 THE WITNESS: Huh?

18 THE HEARING OFFICER: The question was do you
19 think the actions were motivated by Mr. Brown's race or
20 something to that effect.

21 THE WITNESS: I think it was partially
22 motivated.

23 THE HEARING OFFICER: Very well. Answered.
24 Mr. Brown, your next question.

25 ///

1 BY MR. BROWN:

2 Q. Do you believe the attacks were politically
3 motivated?

4 A. I think it was more politically. I think it
5 was more politically. Yes, I think it was -- I don't
6 know how to say that. Yes. I don't know if I'm
7 supposed to --

8 Q. So I'll clarify this and you can say if it's
9 correct or not. The attacks were politically and
10 racially motivated; correct?

11 A. Yes.

12 MR. BROWN: Did I ask that correctly,
13 Mr. La Rue?

14 THE HEARING OFFICER: You heard no objections.

15 MR. BROWN: Okay.

16 BY MR. BROWN:

17 Q. Peter, why weren't you in the Union before I
18 was president?

19 A. The reason I wasn't in the Union -- well, the
20 reason I wasn't in the Union was because, when the
21 people at CAL FIRE came, the -- what are they called? --
22 stewards, they had a stewards meeting and a welcome
23 meeting, and the first thing they did was start saying
24 how evil the Republicans were and how they needed to do
25 everything they could to stop the Republicans. And, I

1 mean, they were mad and angry. I mean, they were like
2 almost spitting while they were talking. And they
3 didn't even bother to ask me if I was a Republican or my
4 political views. And it just felt like everything that
5 they said was against my core values.

6 So I didn't want my money to go with stuff --
7 it sounded more like a social organization than
8 something that was going to help me make more money and
9 have a better retirement.

10 Q. And to follow up, did I ever attack any
11 political party?

12 A. No. Not at all. You tried to bring us
13 together.

14 Q. Could you elaborate on how I tried to bring
15 Local 1000 together?

16 A. Well, from my perspective, you tried to focus
17 on money. Let's see. Money, retirement. I know there
18 is three things that I care about: money, retirement,
19 and respect. Everything else is kind of fluff.
20 Transparency is good, but those three things, that's
21 what I cared about. I mean, the other things are
22 important. You can donate money to your church and
23 get -- help the homeless shelter. But for my dues, I
24 wanted to help us have a better standard of living. And
25 that's what you were trying to do. You didn't care if

1 people were gay, straight, Christians, or heathens. You
2 were trying to bring us all together, and that's what I
3 liked about you.

4 Q. So I'm going to ask you this question. Was I
5 self-absorbed as a Local 1000 leader?

6 A. I do not think so, no.

7 Q. Peter, why did you eventually sign up to be a
8 member of Local 1000?

9 A. I actually came down after I -- well, after I
10 saw you --

11 THE HEARING OFFICER: Asked and answered.

12 THE WITNESS: I'm sorry.

13 THE HEARING OFFICER: Asked and answered.

14 BY MR. BROWN:

15 Q. Okay. Let me ask you this question. Peter,
16 did you ever witness me ever attack any member or staff
17 member based on their person or character?

18 A. No. I only saw you being assertive to people
19 who were attacking you.

20 Q. Did I provide agendas for my meetings that
21 were held?

22 A. Can you please say that again? There is a
23 window that's popping up on my other screen. I'm just
24 going to shut my other monitor off. Okay. It's off.
25 Can you please say the question again?

1 Q. Yes. Did I provide agendas for my meetings
2 that were held?

3 A. Did I provide objectives?

4 THE HEARING OFFICER: No, no.

5 THE WITNESS: I can't hear. Sorry.

6 THE HEARING OFFICER: Mr. Ussery, the question
7 was did Mr. Brown provide agendas for meetings called?

8 THE WITNESS: Oh, yeah. I remember seeing
9 agendas. I don't know why I couldn't hear that word.
10 I'm sorry.

11 BY MR. BROWN:

12 Q. Do you recall when they were provided?

13 A. I just remember them being provided in
14 advance. I don't remember how far in advance.

15 Q. Peter, do you recall the VPs ever utilizing
16 their board seats to voice their concerns in meetings
17 with me?

18 A. No. No. I don't remember any specifics that
19 they did that.

20 Q. Do you recall me ever limiting the board's
21 ability to get information about board meetings?

22 A. No. That, I would remember. No.

23 Q. Do you recall me having an open-door policy
24 with everyone?

25 A. Yes.

1 Q. Could you give an example of that?

2 A. I can only give you examples of -- well, two
3 examples. The people on Facebook, when you had your
4 open meetings, people could just raise their hands and
5 they would be put on the line. You didn't even know --
6 even people that had abused you in the past, you would
7 take their calls and they would get to abuse you again.

8 Another example is texts. If I text you, I
9 might not get a response within minutes, but you would
10 definitely respond to me to answer. I never had that
11 kind of -- I don't remember previous presidents
12 responding to their members like that.

13 Q. Do you think I treated everyone with fairness
14 and respect?

15 A. Yes. And dignity.

16 Q. To your personal knowledge, what do you think
17 is the reason why there is this great conflict within
18 Local 1000 in regards to --

19 MR. ANDONIAN: Objection. Calls for
20 speculation. Relevance.

21 THE HEARING OFFICER: Speculation.

22 BY MR. BROWN:

23 Q. Peter, do you recall Local 1000 ever
24 encouraging people of all political parties to join
25 Local 1000?

1 MR. ANDONIAN: Objection. Relevance.

2 THE HEARING OFFICER: Relevance. Next
3 question.

4 BY MR. BROWN:

5 Q. When you stated that I allowed people to speak
6 their minds, could you be more clear on that answer?

7 THE HEARING OFFICER: Asked and answered.

8 BY MR. BROWN:

9 Q. Peter, in your personal knowledge, did I ever
10 try to be a dictator for Local 1000?

11 A. No.

12 Q. Peter, have you spoken to other members about
13 conflicts within Local 1000?

14 MR. ANDONIAN: Objection. Vague.

15 THE HEARING OFFICER: I'll allow it. I'll
16 allow this question. I don't think you're going to
17 get -- go ahead, Mr. Ussery.

18 THE WITNESS: Well, during COVID, we had --
19 our group still got together once a month as a team.
20 We're developers, computer developers. And I tried to
21 bring up, you know, who was a member and who wasn't a
22 member. And they all -- they all -- this is their
23 words, not mine. They said it was a shit show and they
24 didn't -- it was very uncomfortable talking about what
25 was going on.

1 Nobody wanted -- as far as I could tell,
2 nobody was a member and they didn't want to be a part of
3 it. I don't know if that answers his question or not.

4 BY MR. BROWN:

5 Q. So to follow up on that, the COVID, did people
6 question my leadership regarding the COVID issue?

7 THE HEARING OFFICER: Irrelevant. Next
8 question.

9 BY MR. BROWN:

10 Q. Did people question my leadership on the
11 financial spending of Local 1000?

12 A. Yeah. Basically everything that you did they
13 questioned. They didn't like that you gave raises to
14 the other Union, which I thought was -- actually my team
15 thought that was ironic too because we were trying to
16 get raises. But you got criticized for giving the Union
17 members those raises.

18 Can I say one thing about COVID?

19 THE HEARING OFFICER: No. No.

20 MR. BROWN: So I can't ask him --

21 THE HEARING OFFICER: Ask your next question.

22 COVID has been ruled out of order. Let's move on.

23 BY MR. BROWN:

24 Q. Peter, did they state the reason they wanted
25 to be members?

1 A. That they did not want to be members?

2 Q. Yes. That's what I'm trying to say. Yes.

3 A. They felt the Union was a waste of money and,
4 in their words, it was a shit show. I felt very
5 uncomfortable talking to them about it, because I
6 couldn't -- the way everybody was arguing amongst
7 everybody, it was hard to argue with them that the Union
8 would help us to make more money.

9 Q. Did they ever state that they didn't want to
10 be part of the Union because of my leadership?

11 A. No. They didn't state that. They just felt
12 that it was a waste -- a lot of them looked at it the
13 same way that I did. If you're spending \$90 a month,
14 it's an investment. It's not -- for me, it's not an
15 emotional attachment. If I put \$90 in, I want something
16 back. And my peers feel the same way. If they put \$90
17 in, they want to see a return on their money. It sounds
18 cold and harsh, but that's really what they want.

19 Q. To the best of your knowledge, did I ever try
20 to hide information from the executive committee?

21 A. No.

22 Q. To the best of your knowledge, the members
23 that you speak to, do they support the social justice
24 platform of Local 1000?

25 A. My peers don't. They just care about money --

1 the same thing -- money, retirement, and just basically
2 better respect. No furloughs either. But in my
3 perspective, that's money.

4 Q. To your knowledge, the members that you spoke
5 to, did they believe I was going to enforce the
6 contract?

7 A. They did.

8 Q. To the best of your knowledge, because of my
9 enforcement of the contract, do they feel that was going
10 to cause a problem with some people within Local 1000?

11 MR. ANDONIAN: I'm just going to object. I'm
12 trying to give Mr. Brown leeway, but this is really just
13 asking for his opinion about what do other people think.

14 THE HEARING OFFICER: Sustained.

15 BY MR. BROWN:

16 Q. To the best of your knowledge, Peter, the
17 members you spoke to, did they ever hear from the vice
18 presidents?

19 THE HEARING OFFICER: I don't think the
20 witness has a basis -- unless you establish the witness
21 has a basis to know this answer, he can't answer the
22 question.

23 MR. BROWN: Let me clarify.

24 BY MR. BROWN:

25 Q. Did you ever have a discussion with members

1 about the vice presidents?

2 A. No.

3 Q. All right. Did you ever have a discussion
4 with anyone regarding the vice presidents at Local 1000?

5 THE HEARING OFFICER: Vague.

6 BY MR. BROWN:

7 Q. Did you have a discussion with anyone
8 regarding my suspension within Local 1000?

9 A. With my DLC president.

10 Q. And what was said in that discussion?

11 A. That it could have been handled differently.
12 We both agreed -- we both agree that what should have
13 happened is if people didn't like you as president, they
14 should have had another election at the end of three
15 years and got rid of you.

16 Q. All right. Do you remember where that
17 discussion was held at between you and your DLC
18 president?

19 A. Well, she didn't actually say that. She said
20 it could have been handled differently. I said what I
21 just said, and I don't remember specifically what she
22 said; so...

23 THE HEARING OFFICER: The last question,
24 Mr. Ussery, was do you recall when this discussion took
25 place.

1 THE WITNESS: Oh, when? It would have been
2 two or three months ago. I don't remember exactly. It
3 was after Mr. Brown had been suspended. I guess that's
4 obvious.

5 MR. BROWN: All right, NHO La Rue, I'll stop
6 here.

7 THE HEARING OFFICER: Mr. Andonian.

8 MR. BROWN: Wait. One last question and then
9 I'm done.

10 THE HEARING OFFICER: Proceed.

11 BY MR. BROWN:

12 Q. Your DLC president, he or she -- she is a
13 board member; correct?

14 A. Yeah, I think so. Yeah, I think so. I
15 thought all presidents were board members.

16 MR. BROWN: Thank you very much, Peter.

17 THE HEARING OFFICER: Mr. Andonian, your
18 witness.

19 MR. ANDONIAN: No questions.

20 THE HEARING OFFICER: Mr. Ussery, you're
21 excused. Thank you.

22 THE WITNESS: Thank you.

23 THE HEARING OFFICER: Mr. Brown, call your
24 next witness.

25 MR. BROWN: My next witness --

1 MS. LYNCH: Mr. La Rue, can we take a short
2 break, a bathroom break, please.

3 THE HEARING OFFICER: Ten minutes. It's 25
4 after the hour. Back at 35.

5 MS. LYNCH: Thank you.

6 (Break taken.)

7 THE HEARING OFFICER: We're back on the
8 record.

9 Lisa, could you let Ms. Rodriguez in, please.

10 Ms. Rodriguez, could you unmute?

11 Ms. Rodriguez, are you with us?

12 Mr. Brown, could you or one of your assistants
13 please -- oh, it looks like she's coming on.

14 If you'll lower your camera a little bit more,
15 Ms. Rodriguez. Okay. You're good. A little bit more.
16 There. And unmute yourself, please.

17 Ms. Rodriguez, can you hear me? I don't think
18 she can. Ms. Rodriguez, we can see you. Can you hear
19 me? You need to unmute your microphone, bottom
20 left-hand side.

21 MS. RODRIGUEZ: Can you hear me?

22 THE HEARING OFFICER: We can hear you and see
23 you now. Can you hear me?

24 MS. RODRIGUEZ: I can hear you.

25 THE HEARING OFFICER: Okay, Ms. Rodriguez. My

1 name is Homer La Rue. I'm the hearing officer.

2 MS. RODRIGUEZ: Hold on. There is an echo.

3 THE HEARING OFFICER: Do you have any other
4 devise on?

5 MS. RODRIGUEZ: My kids' TV is on, but it's in
6 the back, in the back room.

7 THE HEARING OFFICER: Are you still hearing an
8 echo? Everyone here is muted except me and you.

9 MS. RODRIGUEZ : Can you still hear me?

10 THE HEARING OFFICER: We can hear you.

11 MS. RODRIGUEZ: There is a delay in your
12 video. Where I live, I don't know if you're familiar
13 with Soledad, we don't have good reception here.

14 THE HEARING OFFICER: Understood. Your
15 Internet is a little bit slower; so there is a little
16 bit of a lag. I'll include that in my instructions to
17 you as to what we're doing.

18 Are you prepared to go forward?

19 MS. RODRIGUEZ: I'm going to take notes. Hold
20 on. Okay. Go ahead.

21 THE HEARING OFFICER: Okay. You don't need to
22 take notes. I would prefer that you did not take notes.
23 You're going to be questioned, and the questions are
24 going to be based upon your recall, your personal
25 knowledge. But I'll explain that in a moment.

1 MS. RODRIGUEZ: Okay.

2 THE HEARING OFFICER: Let me first introduce
3 you to everyone that's here so you'll know who is in the
4 hearing room. As I indicated, I'm the hearing officer.
5 My name is Homer La Rue.

6 Assisting me is the neutral case adviser --
7 yes?

8 MS. RODRIGUEZ: How come my name is on one of
9 the backgrounds?

10 THE HEARING OFFICER: I don't know. Here, it
11 just shows my name. It's part of the Zoom meta.
12 Couldn't explain to you. It's the Zoom registration.
13 You're not being monitored.

14 MS. RODRIGUEZ: But my name is on the
15 background. It's not on my picture. Well, it may be on
16 my picture.

17 THE HEARING OFFICER: Yes. Again, I cannot
18 explain it, but it is of no moment. Don't worry about
19 it. You're not being monitored. It's a part of the
20 Zoom.

21 MS. RODRIGUEZ: I've never had this type of
22 Zoom.

23 THE HEARING OFFICER: Well, neither have I.
24 In all the ones I run, my name is not on the Zoom
25 picture either. But I assure you from Local 1000 there

1 is no --

2 MS. RODRIGUEZ: I'm sorry. If I would have
3 been let in sooner, I probably would have been caught
4 up, but -- sorry.

5 THE HEARING OFFICER: Are you prepared to go
6 forward now?

7 MS. RODRIGUEZ: I'm ready to go forward now.

8 THE HEARING OFFICER: Let me introduce you to
9 the charging party.

10 First of all, your testimony is being
11 recorded. The court reporter is here and she will be
12 taking your testimony.

13 The charging party here is Ms. Walls.

14 Ms. Walls, please raise your hand.

15 Anica Walls is the charging party. She's
16 represented by legal counsel, Phil Andonian.

17 You know Mr. Brown.

18 MS. RODRIGUEZ: Yes. He's our president.

19 THE HEARING OFFICER: He's assisted today by
20 Derick Roque.

21 THE WITNESS: Hey, Derick.

22 I don't know which end this speaks into, but
23 I'm going to get my fan. It's about 100 degrees out
24 here, and I don't have AC. Hang on one second. I'm
25 sorry.

1 THE HEARING OFFICER: Okay.

2 MS. LYNCH: Mr. La Rue, I just want to let you
3 know that I'm not feeling very well; so I may have to
4 leave early from the proceedings. I'm just giving you
5 a --

6 THE HEARING OFFICER: Ms. Lynch, take care of
7 yourself. Mr. Roque is here to assist Mr. Brown. If
8 you need to leave to take care of your medical, please
9 do so. I'm sure Mr. Brown will understand.

10 MS. LYNCH: I'm going to stay as long as I
11 can.

12 THE HEARING OFFICER: Ms. Lynch, there is no
13 reason for you to risk your health sitting in on this
14 hearing. If you're not up to it, please excuse yourself
15 and take care of your health.

16 MR. BROWN: Yes.

17 MS. RODRIGUEZ: My health?

18 THE HEARING OFFICER: No. I was talking to
19 one of Mr. Brown's representatives.

20 MS. RODRIGUEZ: Oh, okay. So sorry. I just
21 thought I was going to be able to do this from my phone.
22 I had a lot of trouble signing in. It wasn't allowing
23 me -- the ID was sufficient enough -- the ID and
24 password wasn't sufficient enough --

25 THE HEARING OFFICER: Ms. Rodriguez, we have

1 you. We have you now. We see you. We hear you.

2 MS. RODRIGUEZ: Okay. Got it.

3 THE HEARING OFFICER: Okay. Are you ready?

4 Ms. Lynch will not be with us. She has had to
5 excuse herself. So it will be Mr. Brown and Mr. Roque.

6 MS. RODRIGUEZ: Okay.

7 THE HEARING OFFICER: Okay. A couple of --
8 tell me when you're ready.

9 MS. RODRIGUEZ: I'm ready. I'm just trying to
10 turn on the light. I'm ready. I'm listening.

11 THE HEARING OFFICER: Okay.

12 MS. RODRIGUEZ: I'm listening.

13 THE HEARING OFFICER: Do you have any
14 documents pertaining to this case in front of you?

15 MS. RODRIGUEZ: Documents? No. I have the
16 blank paper I was going to take notes, and you told me
17 not to.

18 THE HEARING OFFICER: Very well. Do you have
19 any documents on any kind of electronic device? A
20 tablet? Other computer? Cell phone?

21 MS. RODRIGUEZ: I don't know how to work
22 tablets. I can barely work my computer.

23 THE HEARING OFFICER: Okay. So you do not.

24 Are you in a space where no one can hear your
25 testimony?

1 MS. RODRIGUEZ: I have my kid in the
2 background. He's six years old. He has no interest in
3 what we're talking about.

4 THE HEARING OFFICER: Very well. And I take
5 it, then, that you are alone? There is no one with you
6 except you and your child?

7 MS. RODRIGUEZ: Correct.

8 THE HEARING OFFICER: Very well. In a moment
9 Mr. Brown is going to ask you questions on what we call
10 direct examination. We've lost you. You're moving
11 around.

12 MS. RODRIGUEZ: I'm trying to put everyone on
13 video here.

14 THE HEARING OFFICER: There you are.

15 MS. RODRIGUEZ: I don't know where my speaker
16 is.

17 THE HEARING OFFICER: Don't worry about it.
18 We're hearing you fine.

19 Mr. Brown is going to ask you questions on
20 direct examination.

21 MS. RODRIGUEZ: Okay.

22 THE HEARING OFFICER: Mr. Andonian, during
23 that examination, may pose an objection to a question
24 that Mr. Brown has asked. If that happens, you stop
25 talking until I have ruled on the objection.

1 Do you understand?

2 MS. RODRIGUEZ: Yes.

3 THE HEARING OFFICER: After Mr. Brown has
4 asked you questions on direct examination, Mr. Andonian
5 will ask you questions on cross-examination.

6 MS. RODRIGUEZ: Okay.

7 THE HEARING OFFICER: Similarly, Mr. Brown may
8 object to a question that Mr. Andonian is asking. If
9 that happens, you stop talking until I rule on the
10 objection.

11 Do you understand?

12 MS. RODRIGUEZ: I understand.

13 THE HEARING OFFICER: Questions from both
14 counsel are to be clear to you. If you do not
15 understand the question, I don't want you to guess at
16 it. Just simply indicate you don't understand the
17 question and it will be reformulated.

18 You're going to be asked to testify from your
19 personal knowledge and not to speculate. So if you
20 don't know, it's okay to say "I don't know" or "I don't
21 remember."

22 Understood?

23 MS. RODRIGUEZ: Understood.

24 THE HEARING OFFICER: Do you have any
25 questions of me before we begin?

1 MS. RODRIGUEZ: I'm sorry. Who are you?

2 THE HEARING OFFICER: I am the hearing
3 officer. I am running the hearing. I am responsible
4 for making a decision in this matter. My name is Homer
5 La Rue.

6 MS. RODRIGUEZ: But are you -- you're
7 independent?

8 THE HEARING OFFICER: I am independent. I'm a
9 neutral.

10 MS. RODRIGUEZ: You're a neutral?

11 THE HEARING OFFICER: Correct.

12 MS. RODRIGUEZ: What's your neutral job again?

13 THE HEARING OFFICER: Say again.

14 MS. RODRIGUEZ: Who appointed you?

15 THE HEARING OFFICER: I've been appointed by
16 the Local to investigate this matter and make a report
17 to the board of directors.

18 MS. RODRIGUEZ: But who appointed you?

19 THE HEARING OFFICER: I just told you. The
20 board of directors.

21 MS. RODRIGUEZ: Is that what we voted on?

22 THE HEARING OFFICER: Ma'am, I don't know the
23 internal workings of the Union.

24 MS. RODRIGUEZ: No, I understand that part.
25 But -- okay. That's fine.

1 THE HEARING OFFICER: Are you prepared to
2 proceed?

3 MS. RODRIGUEZ: I'm prepared to proceed.

4 THE HEARING OFFICER: All right. I'm going to
5 ask you to take an oath or an affirmation; so I'll ask
6 you to raise your right hand, please.

7 Do you swear or affirm that the testimony
8 you're about to give in this proceeding will be the
9 truth and the whole truth?

10 THE WITNESS: I swear.

11 THE HEARING OFFICER: Did you say "I do"? You
12 said you swear.

13 THE WITNESS: I do.

14 MONICA RODRIGUEZ,
15 called as a witness on behalf of the Charged Party
16 Brown, was sworn and testified as follows:

17 THE HEARING OFFICER: Okay. Very well. Thank
18 you.

19 Mr. Brown, your witness.

20 MR. BROWN: Thank you.

21 THE HEARING OFFICER: One last instruction,
22 Ms. Rodriguez. You're not recording any part of your
23 testimony?

24 THE WITNESS: Mr. La Rue, I've already told
25 you that I'm not recording. I have nothing --

1 THE HEARING OFFICER: No, I didn't ask that
2 question earlier. I'm asking that for the first time
3 now.

4 THE WITNESS: You're asking me if I have any
5 devices. I don't have no devices. I don't have my --

6 THE HEARING OFFICER: You're not recording.
7 Thank you. Thank you, Ms. Rodriguez.

8 Mr. Brown, your witness.

9 MR. BROWN: Okay. Thank you.

10 DIRECT EXAMINATION

11 BY MR. BROWN:

12 Q. My first question, Monica, are you a DLC
13 president?

14 A. Good evening, President Brown. Yes, I am DLC
15 741 president.

16 Q. Thank you.

17 Are you also a Local 1000 board member?

18 A. I am a Local 1000 member.

19 Q. When have you had any discussions with the
20 board about board meetings?

21 A. About board meetings through -- via email?

22 Q. Right. So my first question is when have you
23 had any discussions with board members about board
24 meetings?

25 A. Oh, that I can contribute to?

1 Q. No, just when have you had any discussions
2 with board members about prior board meetings?

3 A. I know we sometimes make comments on the
4 social media platforms. Sometimes comments are made
5 on -- I can't remember -- state -- I don't remember. I
6 haven't been on Facebook for a while, but it's through
7 Facebook. Some of the platforms, they make comments
8 regarding BOD meetings or results and stuff like that.

9 Q. What was said in those discussions?

10 A. I haven't been on social media for a while;
11 so -- regarding recent BODs is the question?

12 Q. Right. I'll be more specific. Board meetings
13 since February 25th.

14 A. Board meetings since February 25th?

15 Q. Of this year.

16 A. Yeah, so that's why I'm not on social media.
17 There is a lot of tension, a lot of...

18 THE HEARING OFFICER: Ms. Rodriguez?

19 THE WITNESS: Yes.

20 THE HEARING OFFICER: You're not being
21 responsive to the question.

22 Mr. Brown, ask the question again.

23 Ms. Rodriguez, let Mr. Brown ask the question
24 so you're sure what he's asking.

25 ///

1 BY MR. BROWN:

2 Q. Sure. So what discussions -- what discussions
3 have you had since February 25th of this year with board
4 members about board meetings?

5 A. Since February?

6 Q. February 25th.

7 A. I'm trying to recall. I'm sorry. With
8 specific -- with specifically only board members? With
9 the BOD?

10 Q. Yes.

11 A. I know I've attended very few -- the last
12 BODs. I haven't attended many. But back in February, I
13 know -- I'm trying to remember the agendas that were on
14 February meetings, but I don't recall.

15 Q. Okay. Do you recall attending the
16 December 29th budget meeting?

17 A. Yes.

18 Q. What was said at that budget meeting?

19 A. So can I look through my emails?

20 THE HEARING OFFICER: No, you may not.

21 THE WITNESS: I'm trying to remember who
22 was -- I'm trying to remember if we had -- like who was
23 controlling the -- no, no, there was no...

24 So it was -- there was a lot of, like, chats.

25 ///

1 BY MR. BROWN:

2 Q. Let me ask you this question.

3 A. And a lot of --

4 Q. Let me see if I can jog your remember -- jog
5 your memory.

6 A. It was a -- I try to do a lot of the
7 commenting and stuff and involvement. But for that
8 particular meeting, I don't think I spoke. But there
9 was a lot of feedback from -- I'm trying to remember the
10 names. There was a lot of feedback from me on the
11 comments --

12 Q. Let me ask you this question. Maybe this will
13 help you jog your memory.

14 Do you recall me calling a board meeting for
15 December 29th for the budget, to pass a budget?

16 A. Yes.

17 Q. All right.

18 A. I don't have the agendas in front of me.

19 Q. Oh, that's fine.

20 Do you recall board members attending this
21 budget meeting on December 29th, this board budget
22 meeting?

23 A. I don't remember who attended. I was there.
24 I was there. Oh, Melissa was there, Vartanian. No.
25 Was Melissa Vartanian on that? Because I remember her

1 on the comments. And then Derick, I think, was there.

2 THE HEARING OFFICER: Ms. Rodriguez --

3 Ms. Rodriguez, if you recall, that's fine. If you don't
4 recall, that's also fine.

5 THE WITNESS: He's asking who was at the board
6 meetings. I don't have my notes in front of me, and I
7 can't look through the emails.

8 MR. BROWN: I'll just clarify the question.

9 THE WITNESS: Thank you.

10 MR. BROWN: Sure.

11 BY MR. BROWN:

12 Q. Do you recall board members attending the
13 December 29th budget meeting?

14 THE HEARING OFFICER: Asked and answered. She
15 recalls that.

16 BY MR. BROWN:

17 Q. Did they get an opportunity, the board
18 members, to speak at that December 29th board budget
19 meeting?

20 A. Yes, President Brown, we did.

21 Q. Okay.

22 A. You know, if they wanted really quick answers,
23 maybe they should have let me prepare and look through
24 my emails.

25 Q. Okay. So do you recall on that day me opening

1 up the meeting for questions, opening up for people to
2 ask questions at around 11:00 o'clock that day?

3 A. Yes. Also, some of the members had -- I think
4 they had written some questions or comments. And I know
5 that, on that behalf, like, on that part, the members
6 hadn't ever had a chance to, like, speak. So they were
7 happy that they were able to be given -- I don't
8 remember the exact conversations or the questions that
9 were said, but yes, they did. I don't remember the
10 conversations, though.

11 Q. All right. Did I allow everyone to speak?
12 Did I try to shut anyone down that day from speaking?

13 A. No. None of us were muted. Unlike the last
14 meetings where we're muted and we're not allowed to
15 speak or we're interrupted constantly because they don't
16 want us -- they don't want to hear what we have to say,
17 no, that did not happen.

18 Q. Thank you.

19 A. Members were allowed to speak. Members were
20 allowed to ask questions. They were allowed to add
21 things that they wanted to be discussed in future
22 meetings.

23 Q. Do you recall -- at this board meeting on
24 December 29th, do you recall board members asking
25 questions?

1 A. Yeah. They -- actually --

2 THE HEARING OFFICER: This has been asked and
3 answered. The witness has already testified she doesn't
4 recall.

5 THE WITNESS: Can I -- can I just --

6 THE HEARING OFFICER: No, you may not.
7 Ms. Rodriguez, no, you may not.

8 THE WITNESS: You know, you keep interrupting.
9 You don't want to have an answer.

10 THE HEARING OFFICER: Mr. Brown, your next
11 question.

12 BY MR. BROWN:

13 Q. Do you recall me being diplomatic with all
14 members with Local 1000?

15 THE HEARING OFFICER: You're leading,
16 Mr. Brown.

17 THE WITNESS: Are we sure Homer La Rue is
18 neutral?

19 THE HEARING OFFICER: Mr. Brown, you're
20 leading.

21 THE WITNESS: I didn't hear the question. I'm
22 sorry.

23 MR. BROWN: I have to rephrase the question.

24 THE WITNESS: Can I put my speaker closer to
25 me?

1 THE HEARING OFFICER: Yes, you may.

2 BY MR. BROWN:

3 Q. Have board members been diplomatic with me?

4 MR. ANDONIAN: Objection. Leading.

5 THE HEARING OFFICER: What's the objection?

6 MR. ANDONIAN: Leading.

7 THE HEARING OFFICER: It's still leading,

8 Mr. Brown.

9 THE WITNESS: He's not asking specific. He's
10 saying general. He's not asking specific board
11 members --

12 THE HEARING OFFICER: Ms. Rodriguez, please,
13 you are the witness to answer questions. Please don't
14 interject. Mr. Brown is the one who makes the
15 responses [sic].

16 THE WITNESS: I don't know what "interject"
17 means.

18 BY MR. BROWN:

19 Q. Okay. Let me ask it like this, Monica. In
20 your opinion, do you recall me being diplomatic with
21 Local 1000 members?

22 MR. ANDONIAN: Same objection.

23 THE HEARING OFFICER: You're still putting the
24 answer in the question.

25 MR. BROWN: Okay. So let me rephrase it.

1 THE HEARING OFFICER: "Do you recall my acting
2 at the board meetings?"

3 MR. BROWN: Thank you.

4 BY MR. BROWN:

5 Q. Monica, do you recall my behavior at the
6 meetings?

7 A. You allowed everyone to talk. You answered
8 all the questions. We had everyone speak, whether they
9 were for -- supporting what was being said or against
10 what was being said. Everyone got their turn: members,
11 presidents. And they all had their ways of saying
12 whether they were just on there to rant or whether they
13 were on there to actually have a conversation or
14 questions. Everyone was there. I believe those that
15 were supposed to be there on the Zoom were there too; so
16 they can also confirm.

17 You spoke to everyone. I don't know if the
18 Zoom -- those meetings were recorded, but you guys can
19 go back and see President Brown didn't mistreat anyone.
20 He actually -- actually, someone on there -- actually,
21 someone on there said the F-word to R.L. Brown. And you
22 guys can go back and look through there. And people
23 like me jumped on there and told them, "Hey, knock your
24 stuff off."

25 And President Brown actually said "They are

1 allowed to speak." They're allowed to speak. That's
2 our right, first of all, in this country, to speak and
3 have a voice. And he allowed them to say what it is
4 that they wanted to say for that moment.

5 Oh, Mr. Phil, you look -- are you okay?

6 THE HEARING OFFICER: Ms. Rodriguez, there is
7 no question.

8 BY MR. BROWN:

9 Q. Okay. One second. One second.

10 Monica, when you said I was being attacked at
11 the meetings, this leads me to the next question. As a
12 board member, how did you perceive my actions?

13 THE HEARING OFFICER: I think she's answered
14 this question, Mr. Brown, when she said you allowed
15 everyone to speak, you allowed them to say it in the way
16 that -- she said in the way that they wanted to say it.
17 You answered their questions.

18 BY MR. BROWN:

19 Q. So, Monica, did I conduct myself in a positive
20 manner at the board meetings?

21 A. Correct. Even when people were not agreeing
22 with what was being said, you were fair, fair in
23 allowing everyone to speak their -- what they had to
24 say, something that had never been done before. So this
25 is why there was such a large volume of people just

1 calling in, message -- I don't even know what it's
2 called -- the commenting on the side and asking
3 questions. And they wanted a turn to speak.

4 Q. So in follow-up on the attacks, can you give
5 two specific examples of the attacks that I endured
6 during my board meetings that I would call for?

7 A. I know some people on there were directly
8 cussing at you. I don't remember -- I'm trying to
9 recall. I don't remember if they were -- excuse me --
10 who it was. I don't remember who it was.

11 Q. All right. Do you recall me ever cursing back
12 at them?

13 A. No, I do not. And I believe it's -- usually
14 they're on the Zoom; so I don't know if you guys can
15 view that again and prove -- prove what was going on.
16 Because the cussing came in by other supporters -- I
17 won't say names -- but other supporter -- other people,
18 not by us.

19 Q. All right. Thank you.

20 And do you believe these attacks at these
21 board meetings were racially provoked?

22 A. I believe so. I believe so.

23 Q. I'm sorry.

24 A. I believe so. I do think so. The majority of
25 the comments were not from Mexicans or Hispanics or --

1 you know, it wasn't by minorities.

2 Q. Do you believe the attacks were also
3 politically motivated?

4 A. I believe so. I do believe so. And I think
5 that was one of -- from the beginning, one of the -- you
6 mean -- well, because I think it's -- yeah, it was.

7 Q. So, to clarify, you believe that these attacks
8 on me during the board meetings were racially and
9 politically motivated?

10 A. Yes. If you guys go back to -- if you are
11 able to see those Zoom, those -- not Zooms -- those
12 meetings that were on the Zooms, you guys will see.

13 Not only that, the -- on that day, but the
14 BOD -- when the BOD happened and they were hosting. And
15 I'm sure you guys can go back and see those posts on the
16 state employee page, you can see all the comments, the
17 racially motivated comments that were being made for
18 that meeting.

19 MR. BROWN: Mr. La Rue, am I allowed to ask
20 her questions about the racial cartoon characters or no?

21 THE HEARING OFFICER: No.

22 THE WITNESS: But they're online. You can see
23 them.

24 THE HEARING OFFICER: Ms. Rodriguez --
25 Ms. Rodriguez, please, just answer the questions that

1 Mr. Brown puts to you.

2 THE WITNESS: I wasn't talking to --

3 THE HEARING OFFICER: I know. In this
4 proceeding, you have to answer the questions that
5 Mr. Brown is posing.

6 THE WITNESS: Except for --

7 THE HEARING OFFICER: Go ahead, Mr. Brown.

8 BY MR. BROWN:

9 Q. Okay. We're going to come back to the racial
10 and political attacks in a second, Monica.

11 As a board member, did you believe that I was
12 attempting to entrench my power and not allow the board
13 to speak at board meetings?

14 MR. ANDONIAN: Objection. Leading.

15 THE HEARING OFFICER: Leading, Mr. Brown.

16 MR. BROWN: Okay. Let me reask the question.

17 BY MR. BROWN:

18 Q. At the board meeting, did I ever exhibit
19 behavior that --

20 THE HEARING OFFICER: "What kind of behavior
21 did I exhibit?" Mr. Brown.

22 MR. BROWN: Thank you.

23 BY MR. BROWN:

24 Q. What kind of behavior did I exhibit at the
25 board meetings?

1 Thank you, sir.

2 A. It was fair. Everyone was allowed to speak.
3 Everyone was allowed to input. And everyone was allowed
4 to ask questions or challenge. So it wasn't just pick
5 and choose the people that you wanted to join. It
6 wasn't like that. It wasn't -- all members were allowed
7 to join, and everyone was treated equally.

8 As I said before, there was even individuals
9 that were very aggressive. But like President Brown
10 said, they have the right to their opinion and they have
11 the right to speak.

12 THE HEARING OFFICER: Mr. Brown, we have -- I
13 think we've exhausted this line of inquiry.

14 MR. BROWN: So can I -- okay. Can I ask the
15 "when" question?

16 Q. When did the aggressive attacks about me
17 begin?

18 A. Oh, man. If you go on the state page or any
19 of the platforms that allow Union -- SEIU members to
20 speak, you will see that the comments came in the day
21 the election results were announced. It didn't happen
22 on the BOD. It didn't happen after -- everything
23 initiated and there is people on here -- I'm allowed to
24 say -- people on here, like Anica Walls, are on those
25 pages. People like Derick Roque are on those pages.

1 Everyone can see. Everyone can see all the comments,
2 literally the attacks. And he hadn't even -- like they
3 began since day one.

4 They announced their agenda and what they were
5 going to do, and they did everything that they were
6 going to do. People on here saw that. And if it's
7 still up there, you guys can backtrack on these pages
8 and see exactly what the comments were. And it was
9 racial and politic motivated.

10 And I'm going to tell you one thing. I did
11 not vote for President R.L. Brown. I did not vote for
12 him. However, I will support the members' votes. And
13 once we were able to speak to R.L. Brown and plan on how
14 we were going to build our DLCs -- and all of this is on
15 record -- when he came out to our DLCs, when we were
16 aggressively working in our DLCs and we had the
17 president's support for the first time, all of that is
18 on record. And I don't have any records because I
19 wasn't allowed to know what was going to go on. So had
20 I known, I could print you the actual month-by-month
21 proof of what R.L. Brown was doing.

22 And go ahead and subpoena, Mr. La Rue, these
23 documents. And once this show with the VPs and Bill
24 Hall came, our membership has plummeted. This is
25 literally breaking -- what they are doing to President

1 R.L. Brown, look at our numbers since they have been
2 heavily involved against R.L. Brown. What they are
3 doing is against the law. What they are doing you can
4 see in our membership.

5 Yes, Mr. Phil. Yes, believe it.

6 So if you can -- I'm asking. Let me just ask
7 you one thing --

8 THE HEARING OFFICER: Mr. Brown, ask your next
9 question.

10 MR. BROWN: NHO La Rue, I need 30 seconds to
11 maintain my emotions because this brings tears to my
12 eyes, what she's saying.

13 THE HEARING OFFICER: Ask your next question,
14 please.

15 MR. BROWN: 30 seconds, sir.

16 THE HEARING OFFICER: You've got 30 seconds.

17 THE WITNESS: Mr. La Rue --

18 THE HEARING OFFICER: Ms. Rodriguez, there are
19 no questions before you.

20 THE WITNESS: I understand. But can you
21 please -- please subpoena those records.

22 THE HEARING OFFICER: Ms. Rodriguez, you
23 cannot make requests at this time. You make them
24 through Mr. Brown, if there are any requests that you
25 want.

1 THE WITNESS: I will make those records
2 public.

3 MR. BROWN: Thank you for the respect,
4 Mr. La Rue. All right. I'll go to my next question.

5 BY MR. BROWN:

6 Q. Monica, you stated earlier when asked about
7 racially motivated in your own background, motivated
8 attacks in your own background, have you, in your
9 opinion, been racially discriminated by this Union or
10 its board members?

11 A. Yes. There are -- yes.

12 Q. So can you please tell me what people in this
13 Union --

14 A. I have the documents. But I'm not allowed to
15 go on my -- I can't go on my email.

16 Q. Yes.

17 A. But yes. Yes. And lately targeting me,
18 racially targeting me. And they're all in emails. And
19 these people know, because Anica is on the chain of
20 emails too; so -- smirk, smirk, laugh, laugh. I can see
21 everybody. I don't know if you can see everybody too.

22 But yes. Those emails are proof of what these
23 people are doing. And they are targeting, number one,
24 racially. They are targeting, number two, politically.
25 And, number three, some of those people are BOD, part of

1 the BOD.

2 So those people, the videos were saved somehow
3 on the platforms. I don't know what the hell it's
4 called. I don't think Zoom shares videos to Facebook.
5 But the videos that are being posted, you can see. And
6 if La Rue is, indeed, neutral and wants proof, he will
7 go back and pull those emails and view actual facts and
8 proof of what is going on, not only through social media
9 but also through the emails of the BOD and also through
10 personal emails that these people have sent on personal
11 attacks.

12 THE HEARING OFFICER: Mr. Brown, move on to
13 your next question, please.

14 THE WITNESS: This isn't neutral.

15 BY MR. BROWN:

16 Q. What are the names of these people that have
17 attacked me racially?

18 A. Anica is here; so I don't know if I should say
19 them.

20 Q. Just give their names, please.

21 A. It's been DLC presidents. It has been some of
22 the members. It's been people that have been allowed --
23 that are not even SEIU members or state workers, that
24 were allowed into our BOD emails deliberately and
25 purposely in order to generate this -- in order to

1 generate this ambience that they were looking for in
2 gathering as many people as they could against
3 R.L. Brown and against anyone who supported them, anyone
4 who supported R.L. Brown.

5 I could name -- I can't remember the gentleman
6 who just passed that was a huge part of SEIU, and I
7 recognize that part. However, he was no longer an SEIU
8 member. He was no longer a state worker. And these
9 people incorporated him into our BOD emails --

10 THE HEARING OFFICER: Mr. Brown, your question
11 was names. If they're not names, let's move on to the
12 next question, please.

13 THE WITNESS: His name -- he passed away. I
14 can't remember.

15 BY MR. BROWN:

16 Q. The gentleman that passed away, Monica, was
17 that a former Local 1000 staff employee?

18 A. He was.

19 Q. Was his name Paul Coke?

20 A. Yes. Yes.

21 THE HEARING OFFICER: Mr. Brown, that's a
22 leading question.

23 THE WITNESS: But --

24 THE HEARING OFFICER: Move on.

25 THE WITNESS: I'm not finished. It was Paul

1 Coke. It was -- Richard Wake was heavily involved.
2 Bill Hall on social media was too. On state employee --
3 on state employee page, I don't know exactly what it's
4 called, it was what's-her -- oh, gosh. She told
5 R.L. Brown to go suck a personal part. And that was
6 laughed at and it was applauded. And none of the VPs
7 ever called out for respect. None of the VPs ever said,
8 you know, "Hey, we should be unified and not contribute
9 to this." On the contrary, they kept gaslighting. And
10 I'm trying to remember more of the names.

11 But they're all in the emails that you can
12 subpoena, Mr. La Rue.

13 THE HEARING OFFICER: Mr. Brown, your next
14 question.

15 MR. BROWN: Thank you, Monica. Next question.
16 BY MR. BROWN:

17 Q. Would you say, if Anica or David had an
18 opinion against the budget, they would have been allowed
19 to speak against the budget?

20 A. Yes. Everyone had a chance and an opportunity
21 to opinionize or ask or -- and I know some of them opted
22 not to attend to some of the meetings. But, yes, they
23 would have been allowed to ask or point out if something
24 needed to be worked on or advice or whatnot.

25 Q. All right. When did I ever attack DLC 767

1 President Richard Wake?

2 A. Well, everything is on record. And there is
3 no attack. The BOD had falsified -- on the contrary,
4 Richard Wake -- I can send Mr. La Rue emails or forward
5 them to him if he wishes to have actual facts and
6 evidence. And just because we respond to them by
7 telling him to shut up or go away doesn't mean -- the
8 attacks came from Richard -- as a matter of fact, I
9 couldn't log on to my Zoom because it's asking me for
10 like the -- the codes were not enough. It wanted me to
11 verify. So it was asking me --

12 THE HEARING OFFICER: Mr. Brown, please direct
13 the witness back to your question.

14 THE WITNESS: No, but this is the answer. It
15 asked me to verify Facebook through Facebook. And I
16 could not verify my Facebook password because of Richard
17 Wake, because of his attacks on me. I literally had to
18 step away from Facebook. I had to step away from the
19 social media. They were literally attacking me and
20 anyone who supported R.L. Brown. They did this to him.
21 I don't know how he's still standing. They literally
22 did this on social media, gaslighting and continuously
23 attacking and sending messages, posting stuff that
24 wasn't even true about us on a public forum.

25 So this is why I couldn't log on to this Zoom,

1 that I couldn't double verify --

2 THE HEARING OFFICER: Mr. Brown, your next
3 question, please.

4 THE WITNESS: Oh, my God.

5 BY MR. BROWN:

6 Q. So my next question was did Richard Wake
7 attack anyone?

8 THE HEARING OFFICER: I'm sorry. I didn't
9 hear the question.

10 THE WITNESS: Richard Wake did attack.

11 THE HEARING OFFICER: Ms. Rodriguez, hold on
12 one second.

13 Mr. Brown, I didn't hear the question.

14 BY MR. BROWN:

15 Q. Did Richard Wake attack anyone within our
16 Union?

17 A. Richard Wake was blatant and made it clear who
18 his attacks were on. Mr. Wake attacked R.L. Brown. He
19 attacked -- as a matter of fact, he attacked Derick. He
20 attacked me. And not only did he attack, they would
21 post pictures. All of this is online and in emails.

22 So if you guys want the proof, Mr. La Rue, you
23 can subpoena those. Because, yes, the attacks came from
24 him, and they were followed by all these other people
25 that wanted to join in.

1 THE HEARING OFFICER: All right, Mr. Brown.
2 Let's move on.

3 MR. BROWN: Yes, sir.

4 BY MR. BROWN:

5 Q. Monica, do you recall Anica or David ever
6 publicly speaking out against the budget?

7 A. Against the budget? No.

8 Q. The 2022 budget.

9 A. I -- hold on. I'm trying to remember.

10 Q. Take your time.

11 A. So this is a while back, and we've had several
12 meetings, not only on the BOD. But I haven't attended
13 the last ones; so I don't know what they're -- for
14 that -- for that budget meeting, after the agenda was
15 sent, I don't remember. I don't remember. I don't
16 recall. I don't remember Anica or Jimenez ever saying
17 anything about the budget or the agenda.

18 Q. When have I ever abused my powers as the
19 Local 1000 president?

20 A. As the Local 1000 president, if abusing power
21 means that stewards were allowed Union leave on
22 Wednesdays to recruit, to engage and represent our
23 Union, that was -- you know, that's what they're calling
24 abuse of power now. But abuse of power, no. Everyone
25 was allowed to speak during any meetings. They were

1 never muted. Abuse of power is what's going on right
2 now and they're allowing it, because we're not even
3 allowed to talk. But no. The -- and I'm trying to
4 think of -- if they're--

5 THE HEARING OFFICER: Ms. Rodriguez, you
6 responded to the question. You said no.

7 Mr. Brown, ask your next question.

8 MR. BROWN: Yes, sir.

9 BY MR. BROWN:

10 Q. I'm sorry, Monica. I don't mean to be jumping
11 around. I want to go back to that budget question.

12 Do you remember Anica or David voting against
13 the budget?

14 THE HEARING OFFICER: David?

15 MR. BROWN: I'm sorry.

16 BY MR. BROWN:

17 Q. Monica, do you remember Anica Walls or David
18 Jimenez voting for or against the budget?

19 A. No. As a matter of fact, unless -- I don't --
20 I don't think -- were they there? I don't remember.
21 Were they there?

22 THE HEARING OFFICER: Ms. Rodriguez, you just
23 have to -- if you recall, that's fine. If you don't
24 recall, that's fine too. Just say whether you recall or
25 not.

1 THE WITNESS: I don't think they were there.
2 I don't want to give a false answer. I don't think they
3 were there. If she can tell me --

4 THE HEARING OFFICER: If that's your answer,
5 that's your answer.

6 Mr. Brown, move on.

7 THE WITNESS: Oh, my.

8 BY MR. BROWN:

9 Q. Monica, do you ever recall me threatening any
10 member of this Union?

11 A. No. For what? For like -- no.

12 THE HEARING OFFICER: The answer is no. Next
13 question.

14 THE WITNESS: Can I have time to think? Like,
15 okay --

16 THE HEARING OFFICER: You said "no,"
17 Ms. Rodriguez.

18 THE WITNESS: Okay. I won't say anything
19 until I'm positively that that's going to be my answer.
20 Because then -- then I'm not even allowed, like, five
21 seconds to think what I'm talking about. And I
22 sometimes talk out loud; so I won't say anything until
23 that's my answer.

24 THE HEARING OFFICER: Mr. Brown, your next
25 question.

1 BY MR. BROWN:

2 Q. All right. Did I as president email advanced
3 notices of meetings that were to be held with agendas?

4 A. We all received the agendas ahead of time.
5 And we also received like the message on the phone. Not
6 the email on the phone but the messages on the phone,
7 the reminders that there is either something coming up,
8 whether it's a meeting or something on Zoom, where we
9 can pitch in our questions, our comments, and what we
10 wish to be addressed on agendas or in meetings. That's
11 my answer.

12 Q. Monica, was routine business conducted at the
13 meetings I held?

14 A. Routine business was conducted in the
15 meetings. And even though not everything was always
16 answered, we -- that we would ask or that we had
17 something to say about, we would pick up on the next
18 meeting what wasn't discussed or what wasn't covered.
19 That's my answer.

20 Q. Monica, have I ever retaliated against anyone
21 in Local 1000?

22 MR. ANDONIAN: I guess I'll just object that
23 it's vague.

24 THE HEARING OFFICER: Reframe it, please.

25 ///

1 BY MR. BROWN:

2 Q. All right. Monica, have you communicated with
3 members about the situation regarding my suspension?

4 A. I'm sorry. The speaker cuts in and out.

5 Q. I'm sorry. I'll say it again.

6 Have you communicated with your members about
7 the situation regarding my suspension?

8 A. Regarding the suspension, President R.L.
9 Brown, everybody is asking me why all this has taken
10 place in regards to your suspension when they themselves
11 had seen so much progress between the months that you
12 took office until the months -- until the time of your
13 suspension. And although we're struggling to sign all
14 the members back on again, we're unable to because the
15 suspension took place. My DLC went from 90 percent
16 membership to now we're in the 50s. So that tells you a
17 lot. That's my answer.

18 Q. And a follow-up to that, what did you
19 communicate to them about this controversy?

20 A. So we try in our DLC to put all facts forward
21 when we speak to our members. We did inform them. And
22 the suspension letters, I printed them up and I allowed
23 them, the members, to see the suspension letters: who
24 signed off on them; the dates, because there is a lot of
25 controversial stuff that's going on on Facebook and on

1 the social platforms of who said what. But, again, that
2 we presented the facts for them to see themselves of the
3 events that took place and the timelines that they took
4 place.

5 So what we tell members -- and the members are
6 so angry because they voted. And their votes, they
7 feel, are being silenced. So not only do we try to
8 bring the facts forward, we are constantly bombarded
9 with questions of what we're doing to correct this.

10 And, you know, unfortunately, you know, this
11 is what was allowed to be -- to have taken place, not by
12 members, but the actions of the VPs, with the chair
13 position that members did not vote for.

14 So you can see the facts in the numbers, if
15 you go back month by month, of what our members are
16 feeling. You can see the breakdown month by month if
17 you go back all the way to when President R.L. Brown
18 took office to now. And this past month, in August, was
19 so crucial because that's when members saw their
20 breaking point --

21 THE HEARING OFFICER: Mr. Brown, what's
22 happening now is beyond my scope, the scope of my
23 jurisdiction.

24 MR. BROWN: Okay.

25 ///

1 BY MR. BROWN:

2 Q. So, Monica, when were you aware that I had
3 suspended the duties of the three vice presidents?

4 A. So we saw those -- I have the suspension
5 letters in my email, but I'm trying to remember. I
6 think it was in -- it was in -- I believe it was in
7 February. I don't remember the date. I don't remember
8 the date, but I have them in my computer.

9 Q. Do you recall when Local 1000 sent an email
10 blast telling membership that the three vice presidents
11 had suspended me?

12 MR. ANDONIAN: Objection. Leading.

13 THE HEARING OFFICER: Leading.

14 THE WITNESS: I don't remember -- I don't even
15 see how that's leading.

16 MR. BROWN: All right. So you can't answer
17 that.

18 BY MR. BROWN:

19 Q. So the next question, Monica, have you had the
20 opportunity -- or have you had the opportunities to
21 interact with the three vice presidents?

22 A. I have reached out many times to Anica -- to
23 Anica Walls, to David Jimenez, not so much to Ms. Green.
24 But all times -- and I have the email proofs and I have
25 the comments. All times that I have reached out for

1 help for Union business and to answer questions and to
2 relay what our members are saying or asking, all three
3 VPs have responded in a very, very similar, similar way.
4 They say -- they say -- my emails either get ignored,
5 and those which are responded to, they respond with
6 "Take it up with somebody else."

7 MR. BROWN: All right. One quick thing.

8 NHO La Rue, my next witness says she has to go at 3:40
9 because she's on her break. So can we put Monica in the
10 waiting room and bring on the next witness and then come
11 back to Monica so I can finish up with Monica?

12 THE WITNESS: Can I stay while the other --

13 THE HEARING OFFICER: Mr. Andonian?

14 THE WITNESS: Can I stay while the other
15 member --

16 THE HEARING OFFICER: No, you may not.

17 Ms. Rodriguez, hold on.

18 Mr. Andonian?

19 MR. ANDONIAN: I have no objection to that.

20 THE WITNESS: Is it all right if I stay?

21 THE HEARING OFFICER: You can stay where you
22 are, but we're going to put you in the waiting room.
23 You will not hear the testimony of the witness who is
24 about to testify. And you're not to have any discussion
25 with anyone about your testimony --

1 THE WITNESS: But nobody is here.

2 THE HEARING OFFICER: Pardon me?

3 THE WITNESS: I don't have anybody here. I'm
4 just here waiting for you guys.

5 THE HEARING OFFICER: Ms. Rodriguez, hear me
6 out, please. Hear me out. Since you're already a
7 witness and Mr. Brown hasn't finished testifying --
8 hasn't finished asking you questions, what I'm asking
9 you to do is not to have any discussion with anyone.
10 Thank you. And I'm asking you also not to look up any
11 material during the --

12 THE WITNESS: I'm not. If I close my
13 computer, I won't be able to log back on.

14 THE HEARING OFFICER: Ms. Rodriguez, please
15 just listen to me. I have to give these instructions.
16 I'm not contesting -- I'm not saying that you're going
17 to do anything bad. I just have to give you these
18 instructions to make the hearing appropriate.

19 Pardon me?

20 THE WITNESS: You're assuming that I'm --

21 THE HEARING OFFICER: No, I just said I am not
22 assuming anything. These are the instructions I would
23 give in any hearing in which we were doing something
24 like we're doing right now.

25 THE WITNESS: I'll be right here.

1 THE HEARING OFFICER: So what I'm asking you
2 to do is not to look up any material and not to talk
3 about the case in the interim period.

4 THE WITNESS: In the interim period.

5 THE HEARING OFFICER: Thank you.

6 Lisa, will you place Ms. Rodriguez in the
7 waiting room.

8 Mr. Roque.

9 MR. ROQUE: Yes, Mr. La Rue, while we're
10 transitioning real quick, do you mind if I step aside
11 and get a quick refill of some water?

12 THE HEARING OFFICER: Absolutely. Go ahead.

13 Is Ms. Williams prepared to be able to go
14 through direct and cross-examination?

15 MR. BROWN: She only has 15 minutes. She has
16 to be back at 3:53.

17 THE HEARING OFFICER: That doesn't give
18 Mr. Andonian an opportunity to cross-examine.

19 MR. BROWN: Well, then we'll have to bring her
20 back on another day, because she's only -- we couldn't
21 get to her at the 12:00 o'clock period. She was ready
22 to testify right at 12:00 o'clock. So we'll have to
23 schedule another day next week. So I can tell her right
24 now. Because I don't want to give -- Mr. Andonian not
25 the opportunity to cross-examine her.

1 THE HEARING OFFICER: Never mind. Bring --
2 excuse Ms. Williams for today. Finish with
3 Ms. Rodriguez.

4 Lisa, you can readmit Ms. Rodriguez.

5 Ms. Rodriguez, we are going to continue with
6 your testimony. Mr. Brown will continue his direct
7 testimony -- or his examination.

8 MR. BROWN: Okay. Thank you, Mr. La Rue.

9 BY MR. BROWN:

10 Q. Monica, do you have any personal vendettas
11 against the VPs?

12 THE HEARING OFFICER: Ms. Rodriguez, you are
13 muted.

14 THE WITNESS: Can you hear me?

15 THE HEARING OFFICER: You are now on. We now
16 have audio.

17 Did you hear the question?

18 THE WITNESS: I forgot the question.

19 THE HEARING OFFICER: Mr. Brown.

20 MR. BROWN: I'll repeat it, sir.

21 BY MR. BROWN:

22 Q. Monica, do you have any personal vendettas or
23 vendetta against the VPs?

24 A. I don't have any personal vendettas against
25 the VPs. What I've told them, whether --

1 THE HEARING OFFICER: That's responsive,
2 Ms. Rodriguez. That's responsive.

3 Mr. Brown, your next question.

4 THE WITNESS: All my emails have not been
5 with --

6 BY MR. BROWN:

7 Q. Monica, can you please elaborate on why you
8 don't have any personal vendettas against the VPs?

9 A. President R.L. Brown has always told us that
10 everything needs to be done with transparency. And
11 everything that we do, whether I like it or not,
12 everything is going to be put forward for our members to
13 see. Everything that I've said in my emails, everything
14 that I've said in conversations, in the BOD emails have
15 not been with vendettas.

16 We want the VPs to rectify their actions with
17 what they're doing that is not being the vendetta --
18 like, full -- and we are not and have not to this day
19 attacked them in any way, shape, or form. We have to
20 defend our Union and defend ourselves when being spoken
21 to. But the conversations and the board conversations,
22 the mass email to the boards, whatever it's called, the
23 BOD emails, they're not vindictive.

24 I'm sorry. I forgot your question. I forgot
25 your question.

1 Q. Yes. So the question was do you have any
2 personal vendetta -- or vendettas against the --

3 THE HEARING OFFICER: That has been asked and
4 answered. That's the question she was responding to.

5 BY MR. BROWN:

6 Q. When you reached out to the VPs, was it in the
7 capacity of a board member?

8 A. Of a board member. When I have reached out to
9 the VPs -- and they don't know this, but I'm letting
10 them know now because Anica is here, but I don't see
11 Green and I don't see Jimenez. Every single time that I
12 reach out to the VPs, I include my eBoard in the blind
13 cc because my eBoard is divided in half. Some are for
14 supporters of R.L. Brown, some are against R.L. Brown,
15 and we have been taught that transparency, honesty is
16 the best way.

17 So when I reach out to the VPs because of
18 issues in the DLC or because of questions they may have
19 regarding the incidents going on, I am doing it under
20 the presence of my eBoard. But...

21 THE HEARING OFFICER: Is that your answer?

22 THE WITNESS: Was that the eBoard -- I'm
23 sorry. Was that the eBoard? Oh, no. That was the --
24 my son is in the restroom.

25 THE HEARING OFFICER: Do you need to excuse --

1 do you need a moment?

2 THE WITNESS: I just need to -- yeah, one
3 moment.

4 THE HEARING OFFICER: Take it.

5 Mr. Brown, how much longer on direct?

6 MR. BROWN: Not very much longer, sir.

7 Can I take a quick bathroom break, sir?

8 THE HEARING OFFICER: Do it.

9 Be back in ten. Recess.

10 (Break taken.)

11 THE HEARING OFFICER: Mr. Brown, please call
12 your witness.

13 MR. BROWN: Yes, sir.

14 Monica.

15 THE WITNESS: Yes, I'm coming.

16 THE HEARING OFFICER: Ms. Rodriguez, my
17 apologies. I neglected to ask at the beginning if you
18 would spell your first and last name for the court
19 reporter.

20 THE WITNESS: Yeah, that's not how I spelled
21 it. Did I spell it or did you?

22 THE HEARING OFFICER: I don't know. Would you
23 please spell it for the court reporter.

24 THE WITNESS: R-o-d-r-i-g-u-e-z.

25 THE HEARING OFFICER: And your first name is

1 spelled correctly on the screen?

2 THE WITNESS: Yes, it's spelled correctly on
3 the screen.

4 THE HEARING OFFICER: Mr. Brown, resume your
5 examination.

6 MR. BROWN: Yes. Thank you.

7 BY MR. BROWN:

8 Q. Monica --

9 THE HEARING OFFICER: She's not at the screen.

10 THE WITNESS: I'm listening. I just came to
11 get my water. I'm listening.

12 BY MR. BROWN:

13 Q. Monica, did I abuse my powers by giving staff
14 time off around the holidays?

15 A. Around the holidays?

16 MR. ANDONIAN: Objection. Leading.

17 MR. BROWN: Okay. I'll re-clarify.

18 BY MR. BROWN:

19 Q. Do you remember me giving staff time off
20 around the holidays?

21 THE HEARING OFFICER: It's still -- but I'll
22 let it go.

23 THE WITNESS: No. Because we fought for our
24 holidays -- but we were fighting on our contracts for
25 members to get holidays. So we were fighting for

1 holiday pay for our members, but --

2 THE HEARING OFFICER: Ms. Rodriguez, listen to
3 the question.

4 BY MR. BROWN:

5 Q. I'll ask it again. Do you remember me giving
6 staff time off around the holidays?

7 A. I remember -- I remember staff, we were
8 fighting for holidays. We were -- I know you
9 specifically were fighting for the Juneteenth, for
10 the -- we were fighting for holidays for our SEIU staff
11 and for members. I don't recall anyone getting holidays
12 just because or for favoritism or for --

13 THE HEARING OFFICER: That wasn't the
14 question. The question is whether you recall for staff.

15 THE WITNESS: For staff?

16 THE HEARING OFFICER: That was what he asked
17 you. Days off for staff.

18 THE WITNESS: We were fighting for staff wages
19 and staff holidays. But if they got just because, no.
20 But we were -- yes, R.L. Brown was fighting for pay for
21 SEIU staff and for holidays for SEIU staff. He was
22 fighting for them. But that's not abuse of power, and
23 he didn't --

24 THE HEARING OFFICER: Ms. Rodriguez, we don't
25 need to go into that. That wasn't the question.

1 THE WITNESS: Okay. No, he did not go into
2 specifics -- no, he did not give specific people, staff
3 people holidays. No. That's abuse of power. He did
4 not abuse his power.

5 MR. BROWN: So, here, let me ask the
6 question --

7 THE WITNESS: I'm sorry if I can't answer as
8 quickly as I should.

9 MR. BROWN: Maybe I didn't ask it clearly
10 enough; so I'll break the question down.

11 THE WITNESS: Okay.

12 BY MR. BROWN:

13 Q. First question: Did the staff get Juneteenth
14 as a holiday under a contract that they signed that
15 started October 1st, 2021?

16 A. I believe they now have Juneteenth off because
17 of what R.L. Brown was fighting for. I believe. I have
18 to go back in my emails and double-check, but that's
19 what I'm saying is happening.

20 Q. Do you recall the board meeting where the
21 UAW 2250 contract for Local 1000 staff was ratified?

22 A. We were discussing the staff -- the meeting
23 and the emails where we were discussing staff and we
24 were trying to vote for -- I don't remember who was at
25 that one -- for our SEIU staff to get a raise because

1 they hadn't gotten a raise in such a long time. I don't
2 remember --

3 THE HEARING OFFICER: The question was do you
4 recall the board meeting where the UAW contract was up
5 for ratification by the board. Do you recall that
6 meeting? That was the question.

7 THE WITNESS: Yes.

8 THE HEARING OFFICER: Next question.

9 THE WITNESS: I don't recall what date --

10 THE HEARING OFFICER: He didn't ask that. He
11 didn't ask that.

12 THE WITNESS: Okay.

13 THE HEARING OFFICER: Mr. Brown, next
14 question.

15 BY MR. BROWN:

16 Q. Did I ever use the Local 1000 website to
17 attack members?

18 A. Not that I know of. No. The answer is no.

19 Q. Do you feel that members were allowed to act
20 unprofessional towards me?

21 A. Yes. Even if we didn't agree, because we were
22 telling R.L. Brown and we were telling the other, you
23 know, "What can we do to, like, make this stop?
24 President R.L. Brown said that they had the right to
25 speak and, you know, we should just hear them out." I

1 don't think that should be allowed. You know, we never
2 told nobody to go suck a whatever, you know.

3 But even though, you know, we did try to tell
4 them to be quiet and not to continue that, you know,
5 that didn't help. It didn't help. It worsened things.
6 So I try not to respond to any of their emails anymore.
7 But, yeah, they were -- they were -- they still say --
8 they still say those comments. That's why I don't go on
9 there no more.

10 Q. To your personal knowledge, did I save
11 Local 1000 money since the time I was elected?

12 A. Absolutely. And the first thing that I want
13 to say because --

14 Q. Please elaborate, yes.

15 A. If I can say because --

16 THE HEARING OFFICER: Go ahead.

17 THE WITNESS: Not only was the money saved,
18 but more money was coming in because we had so many more
19 members. Members were willing to engage. They wanted
20 to learn. They wanted to see everything that was going
21 on because R.L. Brown would continuous -- what is that
22 word? -- engage not only at the emails where he was
23 actually answering questions that members had but on the
24 Facebook where he was actually engaging and answering.
25 Everyone was allowed to speak, no matter if they were

1 for or against. That's why people saw fairness, and
2 they were willing to be involved and part of the Union
3 that we had.

4 Since the VPs and Anica's little witch-hunt
5 here, our DLC is in half. And please, Mr. La Rue, ask
6 for those proofs. They'll give them to you.

7 THE HEARING OFFICER: Mr. Brown, your next
8 question.

9 BY MR. BROWN:

10 Q. Yes. Can you please elaborate when you state
11 "Anica's witch-hunt"? Can you give examples of this
12 witch-hunt?

13 THE HEARING OFFICER: No. That's a
14 characterization. I'm not going to allow that.

15 MR. BROWN: I'm sorry.

16 THE WITNESS: Can I say what I mean by that?

17 THE HEARING OFFICER: Ms. Rodriguez, there is
18 no question before you right now.

19 Mr. Brown, ask your next question.

20 MR. BROWN: Let me clarify.

21 BY MR. BROWN:

22 Q. Monica, can you please give examples of what
23 you think was Anica's intentions about removing me from
24 office?

25 MR. ANDONIAN: Objection. Calls for

1 speculation.

2 THE HEARING OFFICER: No, she cannot. She
3 would be speculating on what's in Ms. Walls's mind.

4 THE WITNESS: But it's in writing.

5 THE HEARING OFFICER: Ms. Rodriguez.

6 Mr. Brown, ask your next question.

7 BY MR. BROWN:

8 Q. So, Monica, do you have anything in writing
9 that talks about the removal of me from office?

10 A. There was emails that were circulating. And
11 there was conversations that were circulating that
12 happened the day of the announcement of President
13 R.L. Brown's winning of the election.

14 And I'm going to be very quick because I know
15 you're about to shut me up. Again, I did not vote for
16 President R.L. Brown. But when I saw those
17 conversations --

18 THE HEARING OFFICER: Next question,
19 Mr. Brown. The witness has already answered this
20 question.

21 THE WITNESS: This is not useful.

22 THE HEARING OFFICER: The witness has been
23 over this. It's been asked and answered. Move on,
24 please.

25 ///

1 BY MR. BROWN:

2 Q. Were you aware of telephone conferences that
3 discussed removing me from office?

4 A. There was three things -- three ways of
5 discussions. There was a -- what is it called? --
6 conferences, the telephone conferences. Well, when you
7 have multiple people on a phone. And then when you text
8 several people at one time, the -- what are they called?
9 The bulk mails.

10 Q. Group texts?

11 A. The group texts that were done, yes. And
12 Anica was part of that conversation where they were
13 "What is our next move?" when R.L. Brown had not yet
14 even taken [sic] office. It was just announced that he
15 had won. Yes, Anica -- Anica made those -- initiated
16 those conversations as to "What is our next step?" or
17 "What is our backup plan?" That was initiated from day
18 one for R.L. And there was several people on those
19 conversations. And during that time, I wasn't familiar
20 as to who was who or who was involved with who. But
21 those came from the slates that lost, including Anica
22 Walls.

23 Hello?

24 Q. Yes. The follow-up question to that is,
25 during these telephone conferences and group texts, was

1 the term or phrase "HR1" used?

2 A. I wasn't familiar with the whole -- like the
3 HR1s and the whole Union language at that point just
4 yet. And I don't recall HR1 being used. They did
5 use -- oh, I don't remember the other -- the other
6 terms, all because --

7 THE HEARING OFFICER: You responded to the
8 question. You said that you don't recall HR1s being
9 used. That's all he asked.

10 BY MR. BROWN:

11 Q. So during these telephone conference calls
12 about removing me from office, was there ever a backup
13 plan that was discussed?

14 A. They were discussing different plans.
15 However, I was not familiar with the verbiage of -- the
16 terminology that they were using. So I cannot say if
17 HR1 was said or discussed or the other forms, but they
18 wanted to come together to find a way to resolve their
19 failure of keeping you out of -- see, they planned all
20 against everybody else except for you. And then when
21 they announced your winning, it caught them all by
22 surprise.

23 So, yes, they did discuss several
24 terminology -- Union terminology. I just don't recall
25 what. And because I wasn't such an advocate for their

1 ways, they didn't -- they ceased -- they did not include
2 me in further conversations once they saw that I didn't
3 want to take part of whatever they were doing. Because
4 members voted, and that's what we were going to protect,
5 the members' votes.

6 Q. Were you ever aware of me trying to replace
7 staff with members to do the jobs of Local 1000?

8 A. So I understand that a lot of -- there was a
9 lot of change in the turnover. People were so upset
10 that some people left. I don't recall -- or not that I
11 know of, no one was let go on your behalf. Everyone who
12 left wanted to either take an opportunity somewhere else
13 or wanted to make it a point that they did not want to
14 work with you.

15 Q. Do you recall how I was trying to build the
16 morale for staff in Local 1000?

17 MR. ANDONIAN: Objection. Leading.

18 THE HEARING OFFICER: Leading question.

19 THE WITNESS: I don't understand what
20 "leading" means.

21 THE HEARING OFFICER: Mr. Brown does.

22 BY MR. BROWN:

23 Q. All right. Do you recall why so -- why there
24 was a high turnover of staff for Local 1000 throughout
25 the years?

1 THE HEARING OFFICER: There is no basis that
2 the witness would have knowledge. There is no facts
3 that show that the witness had knowledge of that.

4 Ms. Rodriguez, please.

5 MR. BROWN: Can I narrow my question down to
6 from the time I was elected why there was a high staff
7 turnover?

8 THE HEARING OFFICER: Ask her if she knows.
9 It's not been established that she knows.

10 MR. BROWN: I'm sorry.

11 BY MR. BROWN:

12 Q. So do you know if there was a high staff
13 turnover after I was elected?

14 A. You're breaking up. If I know -- I'm sorry.
15 Can you repeat the question?

16 Q. Yes. Do you know if there was a high staff
17 turnover after I was elected?

18 A. Yes, there was. There was also -- yes, there
19 was.

20 Q. Okay. Can you tell me what was the reasoning
21 for the high staff turnover?

22 THE HEARING OFFICER: If you know.

23 BY MR. BROWN:

24 Q. If you know.

25 A. From what I've seen, the posts that were made

1 on social media, again, because it was highly discussed
2 because it was very unexpected for President Richard
3 Brown to have won and it was a surprise to all is
4 because -- some of them did take other positions that
5 were offered, but a lot of them refused to work with
6 President R.L. Brown because they said they were under
7 the impression -- and this has been proven wrong -- but
8 they were under the impression that R.L. Brown was a
9 Republican or was a conservative that was going to bust
10 our Union, that was going to break our Union, that was
11 not going to be willing to work with us, that was
12 working with the Freedom Founders Foundation -- I can't
13 say that. And that's why they wanted, like, no part
14 of -- and these people that I'm talking about, they made
15 it very vocal as to why they were leaving.

16 THE HEARING OFFICER: Next question,
17 Mr. Brown.

18 BY MR. BROWN:

19 Q. Is it fair to say that people were making
20 false assumptions about --

21 THE HEARING OFFICER: The witness has
22 testified. You're summarizing. This is argument. Save
23 it for your brief.

24 THE WITNESS: But can I say --

25 THE HEARING OFFICER: No.

1 Mr. Brown, ask your next question.

2 BY MR. BROWN:

3 Q. To your personal knowledge, was I racially
4 profiled by the news media?

5 A. Absolutely yes.

6 THE HEARING OFFICER: Irrelevant to my
7 determination.

8 THE WITNESS: To --

9 THE HEARING OFFICER: Next question.

10 BY MR. BROWN:

11 Q. Do you feel I was racially profiled as a
12 leader of Local 1000?

13 MR. ANDONIAN: Objection. Same objection.

14 THE WITNESS: Yes.

15 THE HEARING OFFICER: It doesn't -- it doesn't
16 go to what I have to decide. Next question. At the
17 break you said you were almost finished with the
18 examination of this witness.

19 MR. BROWN: Okay, sir. I'll stop here.

20 THE HEARING OFFICER: Mr. Andonian, do you
21 have cross-examination?

22 MR. ANDONIAN: No, I do not. Thank you.

23 THE HEARING OFFICER: Ms. Rodriguez, you're
24 excused. Thank you.

25 THE WITNESS: Well, will we -- (dropped from

1 Zoom).

2 THE HEARING OFFICER: It's now 7:20. I
3 suggest that we do not start another witness at this
4 late date. Let's take a look at our calendars. We're
5 obviously going to need another day.

6 MR. ANDONIAN: While we're looking, I'm not
7 available next week.

8 THE HEARING OFFICER: I'm not either.
9 My next availability is the 30th of September.
10 That's a Friday.

11 MR. ANDONIAN: That's fine for me.

12 THE HEARING OFFICER: Mr. Brown.

13 MR. BROWN: Yes, sir. One moment, sir.

14 MR. ANDONIAN: Sorry. I should make sure it's
15 fine with Ms. Walls.

16 MS. WALLS: That also works for me too. Yeah,
17 thank you.

18 Appreciate that, Phil.

19 MR. BROWN: September 30th, can that just be
20 tentative? Because I'm still trying to reach out? I
21 don't know if Ebie Lynch will be available that day.

22 THE HEARING OFFICER: How many more witnesses
23 do you contemplate calling?

24 MR. BROWN: I have four, and they work in
25 CDCR. So their availability is after 4:00. I had other

1 witnesses that could testify during the day, but I've
2 got to bring them --

3 THE HEARING OFFICER: Then bring them on. Put
4 those witnesses on as soon as they can come on. Have
5 three witnesses available, check with them, do
6 everything you can to make everybody else available on
7 the 30th, please. Accommodate it. I realize you have
8 to check with the witnesses. What I'm trying to say is
9 try your very best to accommodate everybody else's
10 schedule. All of us can do it on the 30th.

11 Mr. Roque.

12 MR. ROQUE: I'm sorry, Mr. La Rue. I'm
13 actually looking at my calendar. That's the time of the
14 year when we start our high holidays for religious
15 purposes. You know, I don't --

16 THE HEARING OFFICER: I thought it didn't
17 start until later in my calendar. I thought I had that.

18 MR. ROQUE: Well, the first day of one of the
19 major holidays is --

20 THE HEARING OFFICER: It starts on the 25th;
21 right?

22 MR. ROQUE: Yeah.

23 THE HEARING OFFICER: And it runs through the
24 27th; correct?

25 MR. ROQUE: Yeah, but there is actually --

1 it's kind of hard to explain. We have a waiting period
2 because the holiest day is actually, I believe, the
3 beginning of October. We're not permitted to do certain
4 activities during that waiting period as well.

5 THE HEARING OFFICER: That's October 4th.

6 MR. ROQUE: Yeah.

7 THE HEARING OFFICER: That's Yom Kippur that I
8 have in my book is October 4 and 5.

9 MR. ROQUE: That is correct.

10 THE HEARING OFFICER: So I'm still trying to
11 understand. Why is September 30th problematic?

12 MR. ROQUE: Because Rosh Hashanah, which is
13 the beginning of the new year phase, begins on that
14 period. And in our faith, we're supposed to perform a
15 religious, I guess you could say, commandment, which is
16 called Teshuvah, where we're supposed to ask for
17 forgiveness between those ten days. And in those times,
18 we're commanded to reach out to others, and sometimes
19 work is not permitted on certain days. And I don't want
20 it to conflict. I mean, I can get back to you on that,
21 but I'd have to look it up. I'd have to, like, ask my
22 rabbinic supervision or my rabbi.

23 THE HEARING OFFICER: Well, again, I'm going
24 to ask everyone to try to cooperate so we can get
25 through this matter. I'm going to leave the date on the

1 30th. You and Mr. Brown make every effort to make the
2 30th work.

3 MR. BROWN: Yes, sir. So the four people can
4 only testify after 4:00. Trying to squeeze them all in
5 that hour is going to be tough.

6 THE HEARING OFFICER: What hour? What hour?

7 MR. BROWN: 4:00 to 5:00, sir. Because they
8 work in the prison, sir.

9 THE HEARING OFFICER: I'm not going to
10 schedule four different days for four different people.

11 MR. BROWN: Okay. Okay. Okay, sir. I got
12 it. I got it. I got it.

13 THE HEARING OFFICER: So, again, I ask
14 everyone, make every effort to make September 30th work.

15 MR. BROWN: Thank you.

16 THE HEARING OFFICER: And get back to
17 Ms. Grdina. Today is what? The 7th. Can we wrap this
18 up by Monday? That would be September 12th.

19 MR. BROWN: You mean October 12th?

20 THE HEARING OFFICER: No, no, no. Confirm
21 September 30th by September 12th.

22 Are we clear?

23 MR. BROWN: Yes, sir, you're clear. I don't
24 know what Derick is going to tell me.

25 THE HEARING OFFICER: I know that. That's why

1 I said September 12th.

2 MR. BROWN: Yes, sir.

3 THE HEARING OFFICER: Is there anything else
4 that we need to discuss before we recess for today?

5 MR. BROWN: So how many witnesses can I call
6 before 4:00 o'clock?

7 THE HEARING OFFICER: You can call as many as
8 you think you need. I want to try to get as many of
9 them done as possible. Have them ready so there is no
10 break time between them.

11 MR. ANDONIAN: Can I just clarify just to make
12 sure? This is still just drawing from the ten witnesses
13 on the list?

14 THE HEARING OFFICER: It has not been
15 expanded.

16 MR. BROWN: My remaining witnesses can testify
17 between 4:00 and 5:00; so I'll try to work that out --

18 THE HEARING OFFICER: That's not what
19 Mr. Andonian was asking. We've already talked about
20 that. We understand that. You will have to do
21 something to try to get them in as well as you can.

22 MR. ANDONIAN: So I'm not allowed to call more
23 witnesses in addition to the remaining four.

24 THE HEARING OFFICER: You're calling the ten
25 witnesses that were approved tentatively in your

1 will-say statements. That's it. You have six left.
2 You called four today. There is six more on that list.

3 MR. BROWN: Including me.

4 THE HEARING OFFICER: Right. You're on the
5 list as well.

6 MR. BROWN: Right. Yes, sir.

7 THE HEARING OFFICER: Anything else?

8 MR. BROWN: Can I call one additional witness?

9 THE HEARING OFFICER: No. Not today.

10 MR. BROWN: No, no, not today, but you had
11 stated that --

12 THE HEARING OFFICER: -- in and I'll consider
13 it. Tell me what the witness is going to testify to in
14 some detail so I'll know.

15 MR. BROWN: Yes, sir.

16 THE HEARING OFFICER: I give no guarantee that
17 I'll approve it.

18 MR. BROWN: Thank you for your time.

19 THE HEARING OFFICER: We're adjourned.

20 MR. BROWN: September 12th. By what time on
21 September 12th?

22 THE HEARING OFFICER: By the close of -- by
23 3:00 o'clock California time.

24 MR. BROWN: Thank you.

25 MR. ANDONIAN: Thank you.

1 THE HEARING OFFICER: We're recessed.

2 Thank you.

3 MR. BROWN: Oh, one quick question.

4 (Meeting ended by host.)

5 (Whereupon, the proceedings were adjourned
6 at 4:30 p.m.)

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I, ROSE GONI DAVIS, a Certified Shorthand Reporter of the State of California, authorized to administer oaths, do hereby certify:

IN WITNESS WHEREOF, I hereby certify this transcript at my office in the County of Sacramento, State of California, 23rd of September, 2022.

ROSE GONI DAVIS, CSR NO. 8760
Certified Shorthand Reporter of
the State of California

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SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE

LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

--oOo--

IN THE MATTER OF THE)
PROCEEDING BETWEEN)
)
MICHAEL GUSS, DISTRICT LABOR)
COUNCIL 794; ANICA WALLS,)
VICE PRESIDENT FOR)
ORGANIZING AND) Amended Internal
DISPUTE REPRESENTATION; SERVICE) 22-02-HR1
EMPLOYEES INTERNATIONAL)
UNION ("SEIU"); LOCAL 1000,) Internal Dispute
SEIU,) 22-03-HR1
)
Charging Parties,) NHO FILE NO.:
) 220316-BROW
-AND-)
)
RICHARD LOUIS BROWN,)
PRESIDENT (SUSPENDED);)
SERVICE EMPLOYEES)
INTERNATIONAL UNION)
("SEIU"); LOCAL 1000, SEIU,)
)
Charged Party.)
)
RE: Disciplinary Charges)
)

--oOo--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WALLS HEARING, DAY 4

Friday, October 28, 2022

Pages 733 - 892

**CERTIFIED
TRANSCRIPT**

22-360

Stenographically Reported By:

ROSE GONI DAVIS, CRR/RMR, CSR 8760



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SEIU LOCAL 1000 INTERNAL DISCIPLINARY PROCEDURE

LOCAL 1000 POLICY FILE DIVISION 9: DISCIPLINE

--oOo--

IN THE MATTER OF THE)
PROCEEDING BETWEEN)
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2 (All parties appearing remotely)

3
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25 Also Present:

ANICA WALLS, Charging Party

BETTY GRDINA, Neutral Case Adviser
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Lisa Mattson, Zoom Host

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EXHIBITS

(No Exhibits Marked/Admitted.)

1 BE IT REMEMBERED that on Friday, October 28,
2 2022, commencing at the hour of 9:48 a.m. PST, via Zoom
3 videoconference, before me, ROSE GONI DAVIS, a Certified
4 Shorthand Reporter of the State of California, the
5 following proceedings took place as hereinafter set
6 forth.

7 ---o0o---

8
9 THE HEARING OFFICER: Good afternoon,
10 everybody.

11 Ms. Lynch, are you coming on video? Just let
12 us know.

13 Mr. Brown, are you expecting Ms. Lynch to be
14 on video?

15 MR. BROWN: Yes.

16 THE HEARING OFFICER: Okay. She's having some
17 difficulty. There she is. Okay.

18 Good afternoon, everybody. Today is Day 4 of
19 Walls versus Brown. The day is October 28th, 2022. We
20 will be operating this hearing pursuant to Case
21 Management Order Number 29, which everyone received
22 after the last hearing.

23 Are there any preliminary matters we need to
24 discuss before Mr. Brown resumes his defense?

25 Mr. Andonian?

1 MR. ANDONIAN: Yes, Mr. La Rue. Thank you. I
2 just --

3 THE HEARING OFFICER: Well, one second.
4 Before I do that -- I apologize -- let's have everybody
5 enter their appearance on the record before we do
6 anything further.

7 My name is Homer La Rue, and I am the neutral
8 hearing officer.

9 Ms. Grdina.

10 MS. GRDINA: Yes. This is Betty Grdina. I'm
11 the neutral case adviser.

12 THE HEARING OFFICER: Mr. Andonian, you and
13 your client.

14 MR. ANDONIAN: This is Phil Andonian on behalf
15 of Anica Walls. Both of us are present via Webex -- or
16 Zoom.

17 THE HEARING OFFICER: Mr. Brown.

18 MR. BROWN: Richard Louis Brown, present.

19 THE HEARING OFFICER: Mr. Roque.

20 MR. ROQUE: Derick John Roque, assistant to
21 President Brown, present.

22 THE HEARING OF0FICER: Mr. Roque, we're
23 getting an echo. You have two audios on someplace. Try
24 it again.

25 MR. ROQUE: Can you hear me now?

1 THE HEARING OFFICER: Yes. No echo this time.

2 MR. ROQUE: Derick John Roque, assistant to
3 President Brown, present.

4 THE HEARING OFFICER: Thank you.

5 Ms. Lynch.

6 MS. LYNCH: Ebie Lynch. Ebie Lynch.

7 THE HEARING OFFICER: Ms. Lynch, you need to
8 adjust your camera. We're not seeing you.

9 And this matter is being recorded by
10 Ms. Davis, Rose Davis, who is the court reporter.

11 Mr. Brown -- Mr. Andonian, you had an
12 application?

13 MR. ANDONIAN: Yes, Mr. La Rue.

14 I just wanted to lodge an objection to
15 Mr. Brown's -- the two additional exhibits that
16 Mr. Brown emailed to everybody on Wednesday. One of
17 them is marked Exhibit Q, and one of them was an
18 unmarked -- it was a video clip. I'm just objecting to
19 both of these. I'm happy to go into the reasons
20 individually, or I'm happy to pass to Mr. Brown for an
21 argument as to why they should come in.

22 THE HEARING OFFICER: State your objection and
23 then we'll hear from Mr. Brown as to why they should be
24 admitted.

25 MR. ANDONIAN: With respect to the video clip,

1 I'm objecting on the grounds of relevance. It doesn't
2 appear to be anything other than Ms. Walls having some
3 words about somebody else who is not part of this
4 hearing. I think it's the same argument that I've been
5 making with respect to any evidence that Mr. Brown has
6 tried to elicit with respect to Ms. Walls's relationship
7 with the former president of the union. It's just
8 simply not relevant, especially when we're trying to
9 finish today. I think having irrelevant evidence that
10 takes up needless time is particularly prejudicial.

11 With respect to Exhibit Q, it's an affidavit
12 from somebody named Mary De La Cruz. And I have a
13 number of objections. I guess, first and foremost, it's
14 an exhibit that's admitted after the cutoff date for
15 evidence that you set, Mr. La Rue. It purports to be an
16 affidavit by somebody who was not on Mr. Brown's
17 original ten-person witness list that he submitted a
18 while back. And, substantively, it contains a plethora
19 of inadmissible, objectionable statements by the
20 affiant, personal opinions about legal issues, personal
21 opinions about ultimate questions.

22 So for all of those reasons, I object to the
23 exhibit -- to Exhibit Q, I should say.

24 THE HEARING OFFICER: Before, Mr. Brown, I'm
25 going to ask you to respond, Exhibit Q was already ruled

1 on by me on August 31st, and it was not admitted.

2 MR. ANDONIAN: Oh, I'm sorry. I missed that.
3 Okay. My apologies.

4 THE HEARING OFFICER: Mr. Brown, I'll hear
5 your argument with regard to Exhibit P to which
6 Mr. Andonian has objected.

7 MR. BROWN: No argument.

8 THE HEARING OFFICER: Very well. The document
9 is not admitted into evidence. We have copies, but it's
10 not part of the record.

11 Mr. Brown, are you prepared to proceed with
12 your defense?

13 MR. BROWN: Yes.

14 THE HEARING OFFICER: Who will be your
15 witness, your first witness?

16 MR. BROWN: My first witness will be available
17 at 12:00 o'clock. Her name is Youlanda Williams.

18 THE HEARING OFFICER: Pursuant to Order 29,
19 you understand that you are required to testify if --
20 are you testifying on your own -- on your behalf in this
21 matter?

22 MR. BROWN: Yes.

23 THE HEARING OFFICER: That must begin by
24 10:30 a.m. your time.

25 MR. BROWN: All right. So we'll start at

1 10:30 a.m., then.

2 THE HEARING OFFICER: I don't understand.

3 MR. BROWN: You said that my testimony, if I'm
4 going to testify for myself, I have to start no later
5 than 10:30 Pacific time?

6 THE HEARING OFFICER: Right.

7 MR. BROWN: All right. 10:30, then.

8 THE HEARING OFFICER: I still don't
9 understand.

10 MR. BROWN: Well, my first witness can't -- so
11 my first witness -- my first witness can't testify until
12 12:00. But if I'm also to testify, then I have to start
13 no later than 10:30. So I will start at 10:30 to start
14 my self-defense.

15 THE HEARING OFFICER: Mr. Brown, if
16 Ms. Williams can't be here until noon, we're not going
17 to recess this matter until noon.

18 MR. BROWN: No, I said I'll start my defense
19 no later than 10:30 this morning. So I'll start at
20 10:30 to defend myself.

21 THE HEARING OFFICER: Why not begin your
22 defense now and then we'll deal with Ms. Williams if
23 Ms. Williams shows up later on? There's no reason to
24 delay the proceedings. You're prepared to proceed with
25 your testimony; correct?

1 MR. BROWN: Well, I was prepared to proceed,
2 and I was going to use these Exhibits P and Q. But
3 since you say Q was already ruled upon, even though I
4 was asked to resubmit that --

5 THE HEARING OFFICER: Just that we didn't have
6 copies of it.

7 MR. BROWN: Right. So that's why I would like
8 to start at 10:30, because now it kind of affects how I
9 was going to defend myself.

10 THE HEARING OFFICER: Please proceed with your
11 defense now. Who is going to examine you on direct
12 examination?

13 MR. BROWN: Derick Roque is going to ask me
14 the questions, but I would like to start at 10:30.

15 THE HEARING OFFICER: Application denied.

16 Mr. Roque, are you prepared to --

17 MR. BROWN: Wait. I have a question. Wait,
18 wait, wait. I have one question, sir.

19 THE HEARING OFFICER: Go ahead.

20 MR. BROWN: You put in the orders that I could
21 testify in my defense no later than 10:30, but now
22 you're denying me that ability to do that?

23 THE HEARING OFFICER: That meant -- a
24 reasonable interpretation of that meant that, if you
25 wanted to call a witness before you testified, that

1 witness would have to begin at the start of the hearing
2 and be finished by 10:30 so that you could begin your
3 testimony. That is a reasonable interpretation of that
4 order.

5 MR. BROWN: I'm sorry.

6 THE HEARING OFFICER: Not that the hearing
7 would start at 10:30.

8 MR. BROWN: That's not how your order read.

9 THE HEARING OFFICER: It does, indeed, read
10 that way. Please proceed.

11 MR. BROWN: All right. Can I take a 15-minute
12 recess? Because I want to review that order. Because I
13 disagree.

14 THE HEARING OFFICER: No, you may not take a
15 15-minute recess to review the order. You may take
16 15 minutes to get ready for your direct examination.

17 MR. BROWN: Okay. 15 minutes and then we'll
18 start.

19 THE HEARING OFFICER: But I will not hear any
20 further arguments about the order or about the start.

21 MR. BROWN: Again, as long as all this is
22 being put in the transcript, that's fine.

23 THE HEARING OFFICER: It's all in the
24 transcript, Mr. Brown.

25 MR. BROWN: Okay. Well, thank you very much.

1 THE HEARING OFFICER: You have a 15-minute
2 recess. The time is -- it's 10:00 o'clock. At 10:15,
3 we'll begin with your examination.

4 MR. BROWN: Thank you.

5 (Break taken, 9:58 a.m. to 10:16 a.m.)

6 (Ms. Lynch not present.)

7 THE HEARING OFFICER: Mr. Brown, are you with
8 us?

9 Mr. Brown?

10 We're back on the record.

11 Mr. Brown, will you raise your right hand to
12 be sworn in, please.

13 Do you swear the testimony you're about to
14 give in this proceeding will be the truth and the whole
15 truth?

16 MR. BROWN: I affirm.

17 RICHARD LOUIS BROWN,
18 called as a witness on behalf of the Charged Party
19 Brown, was sworn and testified as follows:

20 THE HEARING OFFICER: Do you have any
21 materials in front of you, before we start examining,
22 that pertain to this matter? We'd like you to turn any
23 documents over until Mr. Roque asks you to view
24 something, if he asks you to view something.

25 MR. BROWN: It's all in my head.

1 THE HEARING OFFICER: Very well. So you have
2 no notes in front of you?

3 MR. BROWN: No. It's in my head.

4 THE HEARING OFFICER: Very well.

5 Mr. Roque? You need to unmute. Remain
6 unmuted now. Go ahead.

7 MR. ROQUE: May I ask a question real fast
8 before we start?

9 THE HEARING OFFICER: Yes.

10 MR. ROQUE: Do you mind just briefly maybe
11 laying out some of the ground rules so that way we don't
12 get caught up for time when I'm examining the witness
13 here?

14 THE HEARING OFFICER: First, stay unmuted,
15 Mr. Roque, is the first rule. Since you're going to be
16 asking questions, there is no need for you to mute.

17 Secondly, since this is direct examination,
18 all of your questions must be open-ended questions.
19 What that means is you cannot use leading questions of
20 the witness. That means that the answer must not be
21 contained in the question.

22 (Ms. Lynch returns to proceeding.)

23 MR. ROQUE: Okay.

24 THE HEARING OFFICER: Mr. Brown's defense is
25 to come from questions that you are asking him. And so

1 we're not looking for a long narrative but, rather,
2 responses to the question that you're asking.

3 Does that help?

4 MR. ROQUE: Yes, that does. Thank you.

5 THE HEARING OFFICER: Very well. You may
6 proceed.

7 Oh, and the other point, Mr. Roque, is that if
8 Mr. Andonian poses an objection to a question, then we
9 will stop at that point. Mr. Brown will not answer the
10 question at that point. I'll hear arguments about pro
11 and con on the objection. Then I'll make a ruling on
12 the objection. And if I rule that the objection is
13 overruled, then you will proceed with the questioning.
14 If not, you'll go on to another question.

15 MR. ROQUE: Okay.

16 THE HEARING OFFICER: Very well?

17 MR. ROQUE: Yes.

18 THE HEARING OFFICER: You may proceed.

19 DIRECT EXAMINATION

20 BY MR. ROQUE:

21 Q. Mr. Brown, when were you elected the
22 Local 1000 president?

23 A. May of 2021.

24 THE HEARING OFFICER: Mr. Brown, you've got an
25 echo. You have another audio device open.

1 THE WITNESS: Okay. May of 2021 is when I was
2 elected.

3 BY MR. ROQUE:

4 Q. Is there any validity to the allegations being
5 charged against you, in your opinion?

6 A. There are no evidence -- no validity to the
7 allegations being charged against me.

8 THE HEARING OFFICER: Mr. Brown, I don't know
9 why, but it's happening again, at least at the first
10 part of your response.

11 THE WITNESS: I'm sorry. There is no validity
12 to the allegations being charged against me.

13 BY MR. ROQUE:

14 Q. Do you feel that these ten charges may be
15 racially motivated?

16 THE HEARING OFFICER: Mr. Roque, that is a
17 leading question. If you start your questions with how,
18 what, when, where, or how, you're more likely to ask an
19 appropriate question that is not leading.

20 MR. ROQUE: Okay.

21 BY MR. ROQUE:

22 Q. How do these allegations make you feel about
23 yourself or your character?

24 A. Okay. It makes me feel like I'm being
25 racially attacked before I was even sworn into office.

1 These allegations make me feel that I am under attack
2 for speaking out against political spending by a labor
3 union, which is a crucial part of my platform. These
4 allegations make me feel like, with concrete evidence,
5 that I am being racially attacked as a black man in
6 America. An example of that --

7 MR. ANDONIAN: Mr. La Rue, I'll just object at
8 this point. I think he's answered the question. This
9 is turning into a narrative.

10 THE HEARING OFFICER: Right. Sustained.

11 Derick -- Mr. Roque, your next question.

12 BY MR. ROQUE:

13 Q. Can you please maybe provide more examples as
14 to why you feel you're being attacked in your person or
15 character?

16 A. Yes. I can provide examples of why I feel
17 that I'm being racially attacked as becoming the new
18 Local 1000 president.

19 When they announced on May 24th, 2021, I had
20 unofficially won the election, the very next day, after
21 living at my residence for over nine years, the police
22 came to my house at 5:00 o'clock in the morning on a
23 false call that there was a woman in my house screaming.
24 And I happened to look outside my window at 5:00 p.m.
25 [sic] and I saw the police on my sidewalk. I opened the

1 door; we had a nice conversation. They came in and they
2 searched house. And they asked why would someone make a
3 false call about me. And I said, "I just won an
4 election for the largest public sector union for state
5 employees in the state of California and I'm being sent
6 a message. They feel that I'm a hothead. They feel I'm
7 an angry black man. And they were hoping that there was
8 going to be a confrontation between me and the police at
9 my house."

10 But the Sacramento Police Department did not
11 stereotype me as a black man, and I did not stereotype
12 the Sacramento police. We had a pleasant conversation.
13 That was the first example.

14 Then another example came a couple of days
15 later, Thursday evening of that week, after May 21st. I
16 received a call from a member, Mech Block-Sherles. She
17 then called another member, Lisa Adams. And they were
18 upset. They said, "Richard, they're trying to remove
19 you from office because they don't like you because
20 you're an outspoken black man."

21 I said, "Who's telling you this?"

22 They said they got a call from a candidate who
23 ran with Anica Walls and David Jimenez and Kevin Menager
24 on their slate, Members for Transparency and Change.
25 That person's name is Sophia Perkins. They stated

1 Sophia called them crying, saying, "They're trying to
2 remove Richard because he's black, and they're going to
3 use the HR1 process to remove him from office."

4 The third incident came -- and they were
5 really upset about that. And they said, "How are you
6 going to be able to work with Anica and David when you
7 know they racially don't like you and they are trying to
8 remove you from office?"

9 And I said, "Well, you know, I've been born
10 black for a long time. So this isn't my first rodeo of
11 dealing with people who don't find me as being their
12 equal."

13 The third incident came August 10th of 2021,
14 when a DLC president and/or vice president, they told me
15 to, quote, "Eat a dick" and "Suck a dick." That was
16 racial. It was sexist. And they didn't even bother to
17 find out if I was, quote, "a homosexual"; so it was
18 homophobic as well. These two ladies, Caucasian women,
19 refused to apologize. That was the third incident.

20 The fourth incident came when I received an
21 email around August 20th asking for a special board
22 meeting that provided no factual evidence for a special
23 board meeting because they wanted to, quote, "take away
24 all presidential powers and create a chair position and
25 give it to the chair." The person who's requesting

1 this, DLC 744 president William Hall is the same person
2 that called me a nigger in the past.

3 I never wanted to tell anyone about that
4 because it hurt, because I wanted to, quote, "do
5 something" that maybe I would get arrested for when he
6 called me that. So I maintained my composure in the
7 past so I could run for office in 2015, 2018, and
8 finally successfully in 2021. That was the third.

9 The cops; Anica; and William Hall, that was
10 the third.

11 The fourth incident came actually on
12 August 10th, when a caller called in, Denise
13 Quinn-Allen, a Caucasian woman. She thought she was on
14 a hot mike on my Wednesday nights Local 1000 Listens to
15 You, and called me, quote, "What a dick." And where I'm
16 from in the state of Missouri, when a white person calls
17 you certain names, what they're trying to do is elevate
18 the condition of calling you a nigger by calling you by
19 another name. So by calling me a dick in Missouri is
20 basically calling me a nigger.

21 Then in November, when we were doing an SBAC
22 on a Saturday, another person, Monica Blancarte, another
23 dues-paying member, called me a motherfucker. In the
24 state of Missouri, when you call blacks dicks,
25 motherfuckers, words of that nature, that's calling us a

1 nigger. Some older white people would just be honest
2 and just call you a nigger, but younger whites and
3 others will try to modify calling you a nigger by
4 calling you other derogatory terms.

5 Now, after Monica Blancarte --

6 MR. ANDONIAN: Mr. La Rue, I'm just going to
7 interject at this point.

8 THE WITNESS: I'm giving the examples, sir.

9 THE HEARING OFFICER: One second, Mr. Brown.
10 Mr. Brown -- Mr. Brown, hold on. There is an objection.

11 MR. ANDONIAN: I've tried to give Mr. Brown a
12 lot of leeway. I think at this point the record is
13 perfectly clear as to the basis of his subjective belief
14 as to the motivations behind the efforts to remove him.
15 I would just ask we move on or we're going to be here
16 talking about examples until 2025.

17 MR. BROWN: Sir, can I -- I'm sorry.

18 THE HEARING OFFICER: Mr. Brown, you are the
19 witness.

20 THE WITNESS: I'm sorry.

21 THE HEARING OFFICER: You are not the person
22 asking the questions.

23 Mr. Roque, do you have a response? Mr. Roque,
24 stay -- well, I guess the two of you are in the same
25 room; so you can't stay unmuted. Do you have a

1 response?

2 MR. ROQUE: Yes, I have a counterresponse.

3 As I'm hearing the witness give his examples,
4 I think that this, especially for me, is important.
5 Coming from a community that is constantly discriminated
6 against, I would be interested in hearing some of these
7 examples just to give the witness a fair peace of mind,
8 so we could hear him out.

9 I know we're working with time today.
10 However, I would like to hear what the witness has to
11 say. Would you make an exception, Mr. La Rue?

12 THE HEARING OFFICER: I will allow the witness
13 to finish Number 4 and then move on.

14 MR. BROWN: Thank you. So I'll try to speak a
15 little faster for Mr. Andonian.

16 The reason I'm giving these examples --

17 THE HEARING OFFICER: Not the reason. Give
18 the Number 4.

19 MR. BROWN: Okay. So Number 4, they put up a
20 racist cartoon caricature of the, quote, "angry black
21 man" holding a rifle up on Facebook. That's concrete
22 evidence that I'm, quote, "angry" and I'm out of
23 control, which is disrespectful and it's a site -- or
24 slight to the black men who marched, quote, "as Black
25 Panthers" to the Sacramento capitol back in the '70s.

1 THE HEARING OFFICER: Move on.

2 MR. BROWN: So that was that situation. But
3 to clarify --

4 THE HEARING OFFICER: Mr. Roque, ask your next
5 question. That was Number 4. Go on.

6 BY MR. ROQUE:

7 Q. Okay. So one of the examples you provided, I
8 believe you said it was a communication you had with a
9 Sophia Perkins.

10 Was this the first time that you had become
11 aware of VP Walls's desire to remove you from office?

12 THE HEARING OFFICER: Mr. Roque, that was a
13 leading question.

14 BY MR. ROQUE:

15 Q. Prior to the communication with Ms. Perkins,
16 had you had any other awareness or communications that
17 may have been an indicator that there was some plot to
18 remove you from your position in office?

19 MR. ANDONIAN: Same objection.

20 THE HEARING OFFICER: Mr. Roque, you can ask
21 the witness what he heard. Don't include what you think
22 you want the answer to be.

23 BY MR. ROQUE:

24 Q. Can you please elaborate more on what you
25 heard and how it pertains to you being removed?

1 A. I heard, after I won on May 24th, that
2 Local 1000 would do anything and everything they could
3 to remove me from office. And so the first thing they
4 did was they did the elections protest. They thought
5 that would keep me from being put into office. And then
6 they used the media to portray me as being
7 confrontational and angry and that, you know, all the
8 problems of Local 1000 would be on my shoulders.

9 Then following up that, in 2022, it was
10 confirmed on my April 20th Courage of Convictions
11 Wednesday night call where DLC 772 president Mary De La
12 Cruz openly stated she took part of telephone conference
13 calls back in 2021, between May and June, with Anica and
14 David and other people about how they could use the HR1
15 process to remove me from office. And they had more
16 than one phone call discussing these details.

17 While on that call on April 20th, 2022, her
18 statements were verified by another DLC president,
19 DLC 705 president Miche Roy. And it was also verified
20 by the new upcoming BUNC chair of 15, Eric Murray. So
21 they were already trying to organize a way using the HR1
22 process to remove me from office. This was the group,
23 Members for Transparency and Change. That was just that
24 particular group.

25 Q. So with all this, leading up to the last

1 statement you just made about the HR1 process and, when
2 you started your statement, you said they would use
3 anything and everything. Can you elaborate more on
4 that?

5 THE HEARING OFFICER: Mr. Roque -- Mr. Roque,
6 it would be better for you not to ask compound
7 questions. One question at a time: how, when, where,
8 what, how.

9 BY MR. ROQUE:

10 Q. What mechanism would you say they're alluding
11 to when you say "anything and everything"?

12 MR. ANDONIAN: Objection. This calls for
13 speculation. And it's been asked and answered.

14 THE HEARING OFFICER: I have to sustain the
15 objection. It's been asked and answered.

16 BY MR. ROQUE:

17 Q. Mr. Brown, after your swearing in and your
18 formal training as president, can you recall how the HR1
19 process worked and explain that?

20 A. Yes. First, there was no formal training for
21 my position as Local 1000 president.

22 Second, the HR1 process is detailed in the
23 policy file. And it states any HR1s will be submitted
24 member against member. If it's against the president,
25 it goes to the vice president/secretary-treasurer. And

1 then if the president or the vice
2 president/secretary-treasurer deems it frivolous, it
3 gets dismissed. If they don't deem it to
4 be frivolous -- not frivolous, then they'll assign it to
5 a hearing officer or hearing officers. Those hearing
6 officer or officers are appointed by the president. And
7 then they'll take a look at it. If they deem it as
8 something that needs to be further investigated, then
9 they'll have a hearing. So there is a time schedule for
10 that. And then, also, if whoever is being charged or
11 whoever is the charging party, whoever the hearing
12 officers are, they can ask to have that person removed.

13 In this particular case, in my situation, that
14 did not happen.

15 Q. Did you organize the March 5th picketing
16 against the actions of the three VPs?

17 MR. ANDONIAN: Objection. Leading.

18 THE HEARING OFFICER: How, when, where, what
19 or how. Give him a date and ask him what he did.

20 BY MR. ROQUE:

21 Q. On March 5th, were you aware of picketing
22 against the three VPs and their actions?

23 A. On March 5th, I was not aware that there was
24 going to be, quote, "picketing against the three VPs."
25 What I was aware of was that there were members who were

1 very upset, and they wanted to take action because they
2 felt their voice was being silenced, that the voters'
3 voices were being silenced because of the actions of the
4 three VPs with their retaliatory suspension of me.

5 Q. Did you communicate to figure out why they
6 were protesting?

7 A. No.

8 Q. Do you agree with their reasoning for
9 protesting, if any?

10 A. I support people's freedom of speech in
11 peaceful manner all across America.

12 Q. Well said.

13 Can you walk us through or maybe have -- I'm
14 sorry. Let me rephrase that.

15 In your recollection, can you walk us through
16 your day on March 5th?

17 A. Yes. March 5th was a Saturday. I get up
18 early. I go run. That particular morning, I was having
19 some leg problems, aching knees; so I wasn't able to
20 run. And I received a call -- I can't remember --
21 sometime in the morning saying I needed to come down to
22 the building, that people were down there protesting and
23 that "You need to come down immediately."

24 Q. Was the picketing your idea?

25 A. No. I did not organize any type of picketing

1 or protesting at Local 1000 on March 5th. And that's
2 verified when I did the video actually that day with Fox
3 News. I stated the same thing.

4 Q. Who did you encounter on March 5th?

5 A. When I arrived at Local 1000 on March 5th, I
6 encountered different members. I encountered the
7 Sacramento Police Department. I encountered some
8 Local 1000 staff. And I believe there were just people
9 in the street that were walking around watching as well.

10 Q. On March 5th when you arrived, did you have
11 any discussions with any of the Local 1000 staff
12 members?

13 A. Yes. I had a discussion with the building
14 manager. And -- I had a discussion with the Local 1000
15 building manager when I arrived on March 5th. I had a
16 discussion with some of the members. And they said the
17 door was open; so they were able to walk in. And they
18 felt because they were dues-paying members that they had
19 every right to be at the building.

20 And so the police had been called. And so the
21 police stated it was just a civil incident. There was
22 no criminal trespassing. No one got arrested.

23 Then later on in the day, the chief counsel,
24 Anne Giese, she came to the building. And so we had a
25 discussion with her in her office. And an agreement was

1 made. A written agreement was made stating that there
2 was, quote, "no break-in" and that Local 1000 would send
3 out an email immediately to all represented employees of
4 Local 1000 telling them "You may have heard of an
5 incident today at Local 1000, but there's no break-in.
6 And there has been an agreement on how to secure the
7 building."

8 You know, the police was there the whole time;
9 so people were able to enter and leave the building
10 peacefully.

11 So we had a nice conversation with the chief
12 counsel, Anne Giese. But, unfortunately, the email to
13 go out to the members indicating to them there was no
14 break-in, there was no type of confusion or anything,
15 that never went out.

16 Q. Was there any other discussions other than
17 what you've already stated?

18 A. Well, there were discussions with people
19 entering in and out of the building that day. I did a
20 video with Fox News. I did it with The Sac Bee
21 reporter. I did that live. All of these videos are up.

22 There was a lot of emotions that day. And the
23 emotions were like, "You were voted in as the president,
24 and then the three VPs tried to retaliate by suspending
25 you after you had already suspended them of their

1 duties." And so there was, you know, emotions were --
2 you know, people were protesting. Everyone had an
3 opinion. The police was there. But, again, no one was
4 arrested. There was no -- I filed a criminal complaint.

5 And then the discussion was, because they had,
6 quote, "locked me out of the building," you know, we had
7 to adjust things so I could have access to the building.
8 Because, again, the three VPs, their duties had been
9 suspended on February 27th. But that wasn't upheld. So
10 they, quote, "locked me out" illegally. Because this
11 was part of the coup leadership to remove me from the
12 office, which is why -- I'm sorry. I'm adding on.

13 So I filed my police complaint either on that
14 Saturday or it may have been the following Monday I
15 filed a police complaint.

16 Q. Were any of the Local 1000 staff able to enter
17 and leave the building peacefully on March 5th, 2022?

18 A. Yes.

19 Q. So the police were called, you stated earlier,
20 and you were not arrested for any criminal trespassing
21 whatsoever?

22 A. That is correct. The police was called. By
23 who, I don't know. But when I showed up, I had a
24 conversation with them, and I was not arrested.

25 Q. Were any of the staff members or anyone else

1 arrested on March 5th for criminal trespassing?

2 A. To the best of my knowledge, no one was
3 arrested on March 5th because it was just a civil
4 incident. So to the best of my knowledge, no one was
5 arrested.

6 Q. Was any agreement made on March 5th with
7 Local 1000 for securing property?

8 A. Yes. An agreement was made with the chief
9 counsel, Anne Giese, that, you know, I was still the
10 president and that I would make sure the building was
11 secured until we were able to, quote, "work things out."

12 And so that's why I still had to file the
13 police complaint, because I was still the Local 1000
14 president. And, you know, there was discussion over,
15 you know, who had suspended who first. I suspended
16 their duties. But yet, they turned around a few days
17 later and suspended me --

18 MR. ANDONIAN: Objection. Once again,
19 nonresponsive.

20 THE HEARING OFFICER: Yeah. You answered the
21 question when you made a response about your
22 conversation with the chief counsel.

23 THE WITNESS: Yes, sir. Yes, sir.

24 THE HEARING OFFICER: Mr. Roque, your next
25 question.

1 BY MR. ROQUE:

2 Q. Did Local 1000 honor its security agreement?

3 A. Local 1000 did not honor its security
4 agreement.

5 Q. Did you take from the Local 1000 building on
6 March 5th a printer or any items of that nature?

7 A. I did not take a Local 1000 printer or any
8 Local 1000 property on March 5th.

9 Q. In your time in the presidency, was there any
10 time that you engaged with any picketers at a union
11 headquarters building before?

12 THE HEARING OFFICER: I'm not sure I
13 understand the question, Mr. Roque. Could you restate
14 it?

15 BY MR. ROQUE:

16 Q. During your presidency, have you ever engaged
17 with any picketers --

18 THE HEARING OFFICER: Did you say "before" or
19 "during"?

20 Mr. Roque, did you say "before" or "during"?

21 MR. ROQUE: During his presidency.

22 THE HEARING OFFICER: Before the presidency?

23 MR. ROQUE: No. "During."

24 THE HEARING OFFICER: "During." Okay. I'm
25 sorry. Go ahead.

1 MR. ROQUE: Do you want me to rephrase the
2 question?

3 THE HEARING OFFICER: No. I just didn't hear
4 it. Now I know you said during his presidency.

5 THE WITNESS: No, I have not engaged in any
6 protests while I was the president at Local 1000
7 headquarters.

8 BY MR. ROQUE:

9 Q. Earlier, going back to your previous
10 statements, you had indicated there was talks of you
11 being removed by -- members informed you you were going
12 to be removed via the HR1 process by Anica Walls. Can
13 you elaborate on that?

14 THE HEARING OFFICER: Asked and answered.

15 MR. ANDONIAN: Objection --

16 BY MR. ROQUE:

17 Q. In your presidency, did you go above and
18 beyond to work with Anica and the other two VPs?

19 MR. ANDONIAN: Objection. Leading.

20 THE HEARING OFFICER: Leading question.

21 BY MR. ROQUE:

22 Q. Can you describe your working relationship
23 with VP Anica Walls and the other two VPs as president?

24 A. We had a working relationship.

25 Q. Did you as president, to the best of your

1 abilities, go out of your way to help them in fulfilling
2 their --

3 THE HEARING OFFICER: Leading. Leading.
4 Leading. Leading. Reframe.

5 BY MR. ROQUE:

6 Q. Back to the picketing, was this the first time
7 picketers had ever picketed outside of Local 1000's
8 building?

9 A. To the best of my knowledge, it's the first
10 time the Local 1000 membership felt so strongly they had
11 to, quote, "protest" at Local 1000 headquarters. To the
12 best of my knowledge.

13 Q. Has any staff member ever apologized for their
14 behaviors to you?

15 MR. ANDONIAN: Objection. Vague.

16 THE HEARING OFFICER: Yeah, you have to
17 connect it to something that he's already testified to.

18 BY MR. ROQUE:

19 Q. Can you elaborate on your relationship with
20 members?

21 THE HEARING OFFICER: Again, it's too vague.

22 MR. ROQUE: I'm sorry. Can you repeat that?

23 THE HEARING OFFICER: It's too vague.

24 BY MR. ROQUE:

25 Q. Can you tell us about your relationship with

1 Local 1000 staff as president of Local 1000?

2 THE HEARING OFFICER: Mr. Roque, it's still
3 the same thing, same problem. With regard to what?

4 BY MR. ROQUE:

5 Q. Okay. When did the UAW staffers contract get
6 ratified?

7 A. The UAW Local 2350, their contract expired on
8 September 30th; so they needed a new contract by
9 October 1st, 2021. That was done in a timely fashion,
10 and that really helped promote my relationship with the
11 staff.

12 THE HEARING OFFICER: Mr. Brown, that's
13 unresponsive. Do you recall -- the question was do you
14 know when that contract was ratified.

15 THE WITNESS: Yeah. It was ratified in -- it
16 was ratified in the September time frame of 2021.

17 BY MR. ROQUE:

18 Q. Can you elaborate on any communication you may
19 have had with the UAW staffers prior to the contract
20 being ratified?

21 MR. ANDONIAN: Objection. Vague.

22 THE HEARING OFFICER: I'm afraid so,
23 Mr. Roque.

24 MR. ROQUE: That's all I have. Thank you.

25 THE HEARING OFFICER: Cross-examination.

1 MR. ANDONIAN: Thank you.

2 CROSS-EXAMINATION

3 BY MR. ANDONIAN:

4 Q. Good afternoon -- well, I guess, good morning,
5 Mr. Brown. I want to ask you a handful of questions
6 about what you testified about.

7 The policy file -- you're familiar with the
8 policy file; correct?

9 A. Yes.

10 THE HEARING OFFICER: Mr. Brown, why don't you
11 stay unmuted. We'll move through a little faster.

12 THE WITNESS: Okay.

13 BY MR. ANDONIAN:

14 Q. And the policy file is a governing document of
15 the local union; correct?

16 A. The policy file along with the bylaws.

17 Q. Sure.

18 The policy file gives the vice presidents the
19 power to suspend the president; right?

20 A. Correct.

21 Q. Okay. And there is no dispute about that?

22 A. No, there's no dispute. I mean, it states it.
23 So -- okay.

24 Q. And, specifically, the policy file gives the
25 vice presidents the ability to suspend the president if,

1 in their opinion, the president poses an immediate
2 threat to the union; correct?

3 A. Yes.

4 Q. I'm going to show you -- I'm going to --
5 pardon me for one moment. I'm going to share my screen.

6 Okay, Mr. Brown. Can you see my screen? You
7 should be looking at a PDF of a letter to you dated
8 February 27th.

9 A. Yes, I see it. Yes, I see it.

10 Q. Okay. And you received this letter on
11 February 27th; correct?

12 A. No. I don't recall receiving it on
13 February 27th.

14 Q. Well, you received the letter; right?

15 A. I can't remember which particular date, but it
16 wasn't on February 27th.

17 Q. But you did receive this letter?

18 A. At some point, yes.

19 Q. And this letter is informing you that the vice
20 presidents, quote, "determined to take action pursuant
21 to Policy 9.0.04"; correct?

22 A. I received this letter at some point after I
23 had suspended them on February 25th.

24 MR. ROQUE: I object.

25 ///

1 BY MR. ANDONIAN:

2 Q. Listen to my question, Mr. Brown. I'm only
3 asking simply to confirm that what this letter was
4 saying to you is that the vice presidents had met and,
5 quote, "determined to take action pursuant to Policy
6 9.0.04"; right?

7 MR. ROQUE: May I object?

8 THE HEARING OFFICER: What's the objection?
9 Who is raising it? Is that Mr. Roque?

10 MR. ROQUE: Yes.

11 THE HEARING OFFICER: What's your objection?

12 MR. ROQUE: Mr. La Rue previously told us that
13 it was your job to interpret the policy file. Is that
14 still true?

15 THE HEARING OFFICER: He hasn't asked him for
16 an interpretation of the policy file. He's only asked
17 for an identification of this document and a
18 confirmation that the witness received it.

19 Objection overruled.

20 Proceed, Mr. Andonian.

21 BY MR. ANDONIAN:

22 Q. Mr. Brown, do you need me to repeat the
23 question?

24 A. Yes, sir.

25 Q. So when you received this letter -- and I'm

1 not asking you about a specific date. But when you
2 received it, you understood this letter to be telling
3 you that the vice presidents had met and, quote,
4 "determined to take action pursuant to Policy 9.0.04";
5 right?

6 A. No, I did not.

7 Q. Well, let me just ask you this. In the letter
8 that we're looking at right now on the screen, the first
9 paragraph that I'm highlighting right now, you don't
10 dispute that's, in fact, what it says; correct?

11 A. That's what it reads. Yes, sir.

12 Q. Okay. After -- now, let me just ask this
13 head-on.

14 You have stated throughout your testimony and,
15 in fact, throughout these proceedings, you did not
16 believe that you had, in fact, been suspended; correct?

17 A. What I have stated repeatedly is that on
18 February 25th, 2022, I suspended the duties of the three
19 vice presidents.

20 THE HEARING OFFICER: Unresponsive, Mr. Brown.
21 Listen to the question, please. Answer that question.
22 If Mr. Roque wants to redirect, he will do so.

23 BY MR. ANDONIAN:

24 Q. Mr. Brown, my question was simply you don't
25 believe that the vice presidents properly suspended you;

1 correct?

2 A. Correct.

3 Q. Okay. I'm going to stop sharing for just one
4 moment so I can move to a different page.

5 A. So when I say --

6 THE HEARING OFFICER: There is no question
7 before you, Mr. Brown.

8 THE WITNESS: I want to add to my last
9 response, but that's fine.

10 BY MR. ANDONIAN:

11 Q. Mr. Brown, I'm sharing my screen again, and
12 you should now see on the page -- on the screen, I
13 should say, a memorandum, I guess I'll call it, with the
14 date of March 3rd, 2022.

15 Do you see that? I'm just asking you if you
16 can see my screen.

17 A. Yes.

18 Q. And you recognize this -- I'm scrolling
19 through. But you recognize this document; correct?

20 A. Can you go back up to the top and let me read
21 through it first?

22 Q. Of course.

23 A. Thank you. I'll read really quickly.

24 THE HEARING OFFICER: Take your time. And
25 tell Mr. Andonian when you need him to scroll down so

1 you can see the rest of it.

2 THE WITNESS: Okay.

3 BY MR. ANDONIAN:

4 Q. Sorry. You want me to scroll?

5 A. No. I'm reading right now. Give me one
6 moment.

7 All right. Can you scroll down a little bit
8 or to the next page?

9 Q. Sure. This is the end of that page.

10 A. Okay. Can you go down to the next page?
11 Thank you.

12 Okay. Thank you.

13 Q. So, Mr. Brown, now you've had time to read
14 this document. This was a memorandum that you authored;
15 correct?

16 A. Yes.

17 Q. Okay. Well, let me just make sure there is no
18 doubt.

19 That's your signature at the bottom?

20 A. Yes. It has my numbers. Yes, that's me.

21 Q. Okay. And you were sending this document --
22 you sent it at the time to the Local 1000 board of
23 directors; right?

24 A. Yes. That's correct.

25 Q. And you were instructing them not to hold a

1 special meeting of the full board; correct?

2 A. What I stated in this letter was that the
3 duties of the three vice presidents had already been
4 suspended and, therefore, they could not call a special
5 board meeting.

6 Q. Mr. Brown, you were instructing the Local 1000
7 board of directors not to convene for a special meeting
8 of the board; correct?

9 A. That is correct.

10 Q. And you threatened any member who attempts to
11 attend or supports such a meeting with immediate
12 disciplinary action; right?

13 A. I didn't threaten. What I was simply doing
14 was utilizing my powers as the Local 1000 president per
15 the bylaws and policy file. So there was no threatened
16 action.

17 Q. You stated that "any board member who attempts
18 to attend or support this board meeting will be subject
19 to immediate disciplinary action"; right?

20 A. I said to not convene -- or, quote, "to not
21 call." But that's not a threat. That's just the powers
22 of the president of Local 1000 per the policy file.

23 Q. So the question that I asked was simply the
24 words on the page here that I've now highlighted on the
25 second page of the document states "any board member who

1 attempts to attend or support this board meeting will be
2 subject to immediate disciplinary action."

3 That's what it says; right?

4 A. Yes, sir.

5 Q. And that's what it says because that's what
6 you wrote?

7 A. The information that's written in this letter
8 is per the Local 1000 policy file, the powers of the
9 president.

10 THE HEARING OFFICER: Mr. Brown, you have to
11 answer the question that's asked.

12 THE WITNESS: Yes, that's what it says. Yes,
13 sir.

14 THE HEARING OFFICER: Okay.

15 BY MR. ANDONIAN:

16 Q. That's what it says, Mr. Brown, because that's
17 what you wrote in this memorandum; right?

18 A. What I wrote in the memorandum -- yes, that
19 is -- yes, sir.

20 Q. And the reason you wrote this is because you
21 wanted the board members to understand that if they went
22 to or supported the board meeting, they would be subject
23 to immediate disciplinary action; right?

24 A. Yes. This was a follow-up to an October 7th
25 letter that was sent out to the board as well.

1 Q. The date of this letter is March 3rd, 2022;
2 correct?

3 A. Correct.

4 Q. And that is after the February 27th, 2022,
5 letter to you from the vice president suspending you
6 from office; right?

7 A. Yes. Because they were not able to suspend me
8 from office.

9 MR. ANDONIAN: Okay. Just a brief indulgence
10 so I can scroll to the next page.

11 BY MR. ANDONIAN:

12 Q. Okay. I'm sharing my screen again, Mr. Brown.
13 And what you should be looking at now is an email from
14 you to Anne Giese with a number of individuals copied on
15 it.

16 Do you see that?

17 A. Yes, sir, loud and clear.

18 Q. And this is, in fact, an email you wrote to
19 Ms. Giese; correct?

20 A. Can you go -- scroll down to the end?

21 Q. Yes.

22 A. Yes, sir.

23 Q. Okay. And in this email, you are telling
24 Ms. Giese that, effective today, March 6th, 2022, you
25 are being placed on administrative time off until

1 further notice; right?

2 A. Correct.

3 Q. And you were giving her that instruction
4 personally; right?

5 A. Yes.

6 Q. The date of this email is Sunday -- I'm just
7 reading from it -- Sunday, March 6th, 2022; correct?

8 A. That is the correct date.

9 Q. And that date is -- a couple of questions on
10 that.

11 First of all, March 6th, 2022, is after
12 February 27th, 2022; right?

13 A. Yes.

14 Q. March 6th is actually -- is also -- sorry --
15 also the day after the March 5th events that you just
16 testified about on direct; right?

17 A. March 6th is after March 5th, because Anne
18 Giese had broken her security agreement.

19 Q. My question was simply the date that we're
20 looking at, March 6th, 2022, this is the day after the
21 events on March 5th that you testified to in your
22 direct; correct?

23 A. March 6th comes after March 5th.

24 Q. And, specifically, March 5th that we're
25 talking about is the March 5th that you testified about

1 in your direct just a moment ago; correct?

2 A. I testified that on March 5th, when I was
3 called --

4 THE HEARING OFFICER: Mr. Brown --
5 Mr. Brown -- Mr. Brown, listen to the question; answer
6 the question directly, please. No explanation unless
7 counsel asks for it. You're on cross-examination.

8 BY MR. ANDONIAN:

9 Q. Mr. Brown, I'm simply trying to make sure we
10 have a reference point here.

11 A. Right.

12 Q. March 6th, 2022, is the day after March 5th
13 that you testified about during your direct; correct?

14 A. Yes.

15 Q. Okay.

16 MR. ROQUE: Objection.

17 THE HEARING OFFICER: What's the objection?

18 MR. ROQUE: These are leading questions.

19 THE HEARING OFFICER: Pardon me?

20 MR. ROQUE: These are leading questions.

21 THE HEARING OFFICER: Yes, and it's
22 appropriate to ask leading questions on
23 cross-examination. It is not appropriate to do so on
24 direct examination.

25 Proceed, Mr. Andonian.

1 BY MR. ANDONIAN:

2 Q. Okay. I'm sharing my screen again.

3 Mr. Brown, we're now looking at an email from
4 Donna Snodgrass to Anne Giese dated March 6th, 2022.

5 Do you see that?

6 A. Yes, I do.

7 Q. Donna Snodgrass -- on that date, Donna
8 Snodgrass was the chief of staff of the union; correct?

9 A. Yes.

10 Q. And as chief of staff, she reported to the
11 president of the union; is that correct?

12 A. Yes.

13 Q. And the email here --

14 Let me ask you first. You're familiar with
15 this email; correct?

16 A. Yes.

17 Q. Okay. And in this email --

18 A. Wait. I'm sorry. Can you go down to the
19 bottom of this email?

20 Q. Sure. I'm not asking if you wrote it. I'm
21 just saying you're familiar with this email.

22 A. Wait a minute. Wait a minute. It says from
23 Donna Snodgrass to Anne Giese.

24 Q. Correct.

25 A. Wait a minute. "Good evening." Okay. So who

1 sent Donna this? Did she forward this email to Anne
2 Giese?

3 Q. No, Mr. Brown --

4 THE HEARING OFFICER: Answer the question.

5 THE WITNESS: Because it doesn't say from me;
6 so I'm trying to find out.

7 THE HEARING OFFICER: Mr. Brown, that's not
8 the question. Please focus on the question that's being
9 asked. Counsel asked you if you are familiar with this
10 irrespective --

11 THE WITNESS: No, I'm not. I'm not familiar.
12 BY MR. ANDONIAN:

13 Q. You're not familiar with this.

14 But in looking at the email right now -- and
15 to make it -- to be clear, I'm not suggesting you wrote
16 this. I'm, in fact, stating it came from Donna
17 Snodgrass.

18 This email is informing Ms. Giese that
19 "effective March 6th, 2022, you are terminated from
20 your" -- I'm sorry -- Ms. Snodgrass, that "you are
21 terminated from your position as chief of staff for
22 Local 1000"; correct? That's what it says?

23 A. That's what it says.

24 Q. Okay. And the decision to terminate Donna
25 Snodgrass came from you; right?

1 A. I don't know. I need to see the original
2 email.

3 MR. ROQUE: Objection.

4 THE HEARING OFFICER: What's the objection,
5 Mr. Roque?

6 MR. ROQUE: Hearsay.

7 THE HEARING OFFICER: No. Overruled.

8 BY MR. ANDONIAN:

9 Q. Let's just -- putting aside the email, you, in
10 fact, made the decision on or about March 6th to
11 terminate Donna Snodgrass; correct?

12 A. I can't recall. I need to see the original
13 email.

14 Q. Well, you terminated Donna Snodgrass at some
15 point from her position as chief of staff; correct?

16 A. I can't recall. I need to see the email.

17 Q. Is it your testimony today that you did not
18 terminate Donna Snodgrass at any point in time?

19 MR. ROQUE: Objection.

20 THE HEARING OFFICER: What's the objection,
21 Mr. Roque?

22 MR. ROQUE: Once again, it's like a leading
23 question.

24 THE HEARING OFFICER: It's supposed to be a
25 leading question. It's cross-examination.

1 Proceed.

2 BY MR. ANDONIAN:

3 Q. Mr. Brown, putting aside emails, I'm just
4 asking you a question about facts.

5 You, in fact, terminated Donna Snodgrass as
6 chief of staff of the union at some point in time;
7 right?

8 A. I believe so, but I would need to see
9 information about this.

10 Q. Is it your testimony that you don't know
11 whether or not you, in fact, terminated --

12 A. That's not what I said. I said I need to see
13 information. I don't recall. But I need to see the
14 information that was sent to Donna Snodgrass.

15 Q. You don't recall terminating Donna Snodgrass?

16 A. I believe that -- there was so much going on
17 at that time, but, again, I've been saying this over and
18 over again. I need to see the email that was sent to
19 Donna Snodgrass regarding her termination.

20 Q. So you don't recall as you sit here today
21 whether or not you terminated Donna Snodgrass?

22 A. Again --

23 MR. ROQUE: Objection.

24 THE HEARING OFFICER: Mr. Brown, you either
25 recall or don't recall.

1 MR. ROQUE: Objection.

2 THE HEARING OFFICER: What's the objection,
3 Mr. Roque?

4 MR. ROQUE: Asked and answered.

5 THE HEARING OFFICER: Cross-examination. It
6 hasn't been answered.

7 THE WITNESS: Donna Snodgrass was terminated.
8 Do I remember the exact date? I would need to see the
9 email.

10 THE HEARING OFFICER: That was not the
11 question.

12 BY MR. ANDONIAN:

13 Q. My question -- I'm not asking about an exact
14 date. I'm simply asking you to confirm -- so you
15 confirmed Donna Snodgrass was terminated.

16 My second question along these lines is you
17 are the one who terminated her; correct?

18 A. Yes.

19 Q. Okay.

20 Mr. Brown, I want to turn back now to
21 March 5th, 2022, which you testified about on your
22 direct examination. There is no dispute -- right? --
23 that you were at union headquarters on March 5th of
24 2022; is that right?

25 A. Yes. I was called to the union headquarters

1 on March 5th, 2022.

2 Q. Yeah. Let me ask you about that.

3 So it's your testimony that the only reason
4 you were down there was because, I believe you said, you
5 received a phone call from somebody saying, quote, "Come
6 down. People are protesting"; is that right?

7 A. That's correct.

8 Q. So you had no plans to be down there until you
9 got this call?

10 A. I had no plans to be at the building on
11 March 5th.

12 Q. Okay. You had no idea what was going on down
13 there until you got this call?

14 A. That's correct.

15 Q. You had no idea what people had planned until
16 you got that call?

17 A. That is correct.

18 Q. You don't deny, sir, when you got to the union
19 headquarters, there were individuals that were blocking
20 the entrance, for example; right?

21 A. Not that I'm aware of.

22 Q. There were individuals there who were, in
23 fact, protesting on your behalf; correct?

24 A. What I'm aware of, Mr. Andonian, was people
25 was protesting that the voices of the membership was

1 being silenced. So they weren't protesting, quote, "on
2 my behalf." They were protesting on behalf of democracy
3 in America.

4 Q. And you didn't tell any of those individuals
5 to go home; correct?

6 A. No. They told me they were dues-paying
7 members and they had a right to the building, and they
8 were --

9 Q. You didn't tell any of those individuals to
10 leave the building; correct?

11 A. What I simply just said to you, Mr. Andonian,
12 is they were peacefully protesting. The police was
13 there. The police didn't ask anybody to leave and go
14 home.

15 Q. So the answer is yes, you did not ask anybody
16 to leave the building?

17 A. No. They had every right to be at the
18 building. They were peacefully protesting.

19 Q. You entered the union headquarters on
20 March 5th, 2022; correct?

21 A. Yes. I've answered that I was called down to
22 the building.

23 Q. Well, my question is more specific. It's not
24 just that you went down to the building. You went into
25 the building; right?

1 A. I'm sorry. Repeat that again.

2 Q. Yes. My question was not just that you went
3 down to the building but that you went into the building
4 on March 5th; right?

5 A. I was called down to the Local 1000 building.
6 I was outside --

7 THE HEARING OFFICER: Mr. Brown -- Mr. Brown,
8 listen to the question. It's a specific question.

9 Mr. Andonian, repeat the question.

10 BY MR. ANDONIAN:

11 Q. Mr. Brown, you've established that you were
12 called down to the building. My question is more
13 specific, and I'm asking you, not only did you go down
14 to the building, you went inside the building on
15 March 5th; right?

16 A. At some point I went inside the building,
17 because the police were inside the building.

18 THE HEARING OFFICER: That's all -- that's all
19 the question was.

20 BY MR. ANDONIAN:

21 Q. So that's a yes.

22 A. As the Local 1000 president, I, along with
23 staff, was inside the building on March 5th, yes.

24 Q. And not only were you inside the building, but
25 you removed items from inside of the building; correct?

1 A. I did not remove any Local 1000 items from
2 Local 1000.

3 Q. That wasn't my question. My question was you
4 removed items from the building on March 5th?

5 A. And I answered your question. I did not
6 remove any Local 1000 items from the building.

7 Q. So that's a yes, you did remove items from the
8 building, just not Local 1000's?

9 A. No, that was not a yes. That was not a yes.

10 Q. Mr. Brown, listen carefully to the question.

11 MR. ROQUE: Objection.

12 THE HEARING OFFICER: No objection.

13 Mr. Brown, the question was very specific.

14 THE WITNESS: And I answered the question
15 specifically.

16 THE HEARING OFFICER: No, you did not. No,
17 you did not.

18 THE WITNESS: Well, in my mind, I did.

19 BY MR. ANDONIAN:

20 Q. Mr. Brown, I'm going to go ahead and ask the
21 question again. Listen carefully to the question.

22 A. Yes, sir. Please do.

23 Q. You removed items from the union headquarters;
24 is that correct?

25 A. I removed my personal items from Local 1000.

1 Yes, I did.

2 Q. Great.

3 And I'm going to share my screen again right
4 now, and you should see a picture of you with a bin of
5 some materials in your hand.

6 Do you see that?

7 A. Yes. My personal items.

8 Q. Correct. Okay.

9 Now, you stated you had no plans whatsoever
10 being down at the Union building on March 5th until you
11 got that call; correct?

12 A. So I've answered this. I'm going to answer it
13 again. I said from the very beginning I had no plans to
14 go to the building on March 5th. I've said this
15 repeatedly.

16 Q. And yet, when you got down there, you removed
17 at least one bin full of what you're describing as your
18 personal property from the building; correct?

19 A. Yes. You have the pictures.

20 Q. And the reason for that is because you were
21 ordered to get out of the building; right?

22 A. No, I was not ordered to get out of the
23 building.

24 Q. And you wanted to take personal items or other
25 items with you before you left; right?

1 A. No. That's not right.

2 Q. That's why you have a bin full of items in
3 your hand in this picture that we're looking at; right?

4 A. So, Mr. Andonian, I stated earlier the police
5 were there. It was a civil incident. No one was
6 arrested. No one was ordered to leave. The police
7 eventually left on their own accord. I had a security
8 agreement with the chief counsel, Anne Giese, when she
9 arrived in the building later in the afternoon. No one
10 ordered me to leave anyplace, period.

11 Q. You had a conversation with Anne Giese at some
12 point on March 5th; correct?

13 A. Yes. Sometime in the afternoon, evening time.

14 Q. And you described it on direct as a good
15 conversation or something to that effect; right?

16 A. Well, she wrote out -- because she was
17 removing stuff from the building. I asked her to not
18 remove it. She took stuff that was Local 1000 property.
19 And as the Local 1000 president, I said, "You cannot do
20 that." So we reached an agreement. And that's why she
21 put in writing that, quote, "There was no break-in," and
22 that she was supposed to send out an email to all
23 Local 1000 to inform them that there was no break-in and
24 a security agreement has been reached. She never did
25 that.

1 Q. Right. No email to that effect ever went out?

2 A. She broke her security agreement. She
3 absolutely broke it.

4 Q. And then you fired her the very next day;
5 correct? Or you put her on suspension the very next
6 day?

7 A. I believe so.

8 Q. Now, you also testified on direct -- and I'll
9 quote it as best I can -- but something to the effect of
10 you had to adjust things to let you have access to the
11 building; right? Those were your words?

12 A. You're correct.

13 Q. Okay. And what you meant by that was you
14 needed to change the locks to the building to allow you
15 to get in and out; right?

16 A. That is correct.

17 Q. Right. And the reason you needed to change
18 the locks on the building is because your access by way
19 of the keycard had been disabled; right?

20 A. Yes.

21 MR. ANDONIAN: Brief indulgence. If you'd
22 permit me one moment, I am going to share my screen
23 again.

24 BY MR. ANDONIAN:

25 Q. Mr. Brown, you should be looking now on your

1 screen at Walls Exhibit S. It's an order from the
2 Superior Court in Sacramento. I'll scroll through it
3 just so you can see it, and then I'm happy to give you a
4 minute to read it more carefully. But it's a three-page
5 document; the final page, it's signed by the Honorable
6 Steven Gevercer. I don't know if I'm saying that
7 correctly. And, again, if you see the first page, it
8 says "Order Granting Preliminary Injunction."

9 Do you see that?

10 A. Yes, I see it.

11 Q. Okay. I'm happy to give you a minute to read
12 it, if you need a minute to read it. Otherwise, I can
13 ask my questions.

14 THE HEARING OFFICER: Give the witness time to
15 read it, please.

16 THE WITNESS: Can you go down a little bit?

17 MR. ANDONIAN: Certainly.

18 THE WITNESS: All right. Can you go back to
19 the first part, the top of the page?

20 MR. ANDONIAN: This page or the other page?

21 THE WITNESS: The first page.

22 THE HEARING OFFICER: The caption.

23 THE WITNESS: Okay. Can you go down a little
24 bit? Go down a little bit more. Go down a little bit
25 more. A little bit more. Go down a little bit more,

1 please.

2 Okay. Thank you.

3 BY MR. ANDONIAN:

4 Q. Okay. You're familiar with this document;
5 correct?

6 A. Somewhat, yes.

7 Q. Okay. Well, you know that an order was
8 entered in Sacramento Superior Court regarding a
9 preliminary injunction against you; correct?

10 A. Yes.

11 Q. And you understood generally what the order
12 said with respect to what you could and could not do;
13 right?

14 A. Yes. And that order was submitted when?

15 Q. My question was simply you understood that
16 this was an order that generally stated what you could
17 or could not do?

18 A. Right. Can you go back up? Can you go back
19 up in the document? I want to see when this order was
20 submitted.

21 Q. The date of the order, I'm happy to show you,
22 is March 25th of 2022.

23 A. Right. I understand that's when it went into
24 effect. Can you go back up to see when it was actually
25 submitted, though? I want to see on the first page.

1 March 8th. Okay. Okay. So it was submitted
2 March 8th. Okay. Okay.

3 Q. One of the conditions -- one of the things it
4 says -- I'm now reading from the document. At the top
5 of the page it says "It is hereby ordered." And one of
6 the things that you are not to do, you are, quote,
7 "enjoined from directly or indirectly engaging in or
8 performing any or all of the following acts."

9 One of them is holding yourself out as the
10 authorized president or otherwise authorized to speak or
11 act on behalf of Local 1000; correct?

12 A. That's correct.

13 Q. And that was a finding from a judge in
14 superior court in Sacramento County; correct?

15 A. Yes. That happened on March 25th in the
16 Sacramento Superior Court.

17 Q. March 25th of 2022; correct?

18 A. That's correct.

19 Q. Okay. Today's date is October 28th, 2022;
20 right?

21 A. Correct.

22 Q. In the time between March 25th, 2022, and
23 October 28th, 2022, you have not been following this
24 order that we're looking at right now; right?

25 A. I disagree.

1 Q. You've been holding yourself out as -- or
2 doing, among other things, holding yourself out as the
3 authorized president of Local 1000; right?

4 A. I disagree.

5 Q. Your email signature still identifies you as
6 the president of Local 1000; right?

7 A. It may have. But I haven't -- everyone in the
8 union knows that, quote, "all of this confusion" is
9 going on. So when I do my calls on Wednesday night,
10 everyone knows that I, quote -- I'm under this
11 "suspension." I'm fighting to get my job back. That's
12 why nothing is getting done in the union. So everyone
13 is fully aware.

14 So when I --

15 Q. I'm sharing my screen again, Mr. Brown. And I
16 will represent that what I'm showing --

17 A. They know that too, yeah.

18 Q. What I'm showing to everybody right now is an
19 email dated October 26th, 2022 --

20 A. Right, and that's to Betty and to you --

21 THE HEARING OFFICER: Mr. Brown, wait for a
22 question, please.

23 THE WITNESS: I'm sorry. I'm sorry.

24 THE HEARING OFFICER: There is a court
25 reporter, and you two are talking over one another.

1 BY MR. ANDONIAN:

2 Q. And in this email dated October 26th, 2022,
3 which was two days ago -- and you're correct. This is
4 an email that you sent to Ms. Grdina, Mr. La Rue,
5 myself, and your representatives -- your signature
6 block, which I am highlighting, states "Richard Louis
7 Brown, Local 1000 President"; correct?

8 A. Yeah, but that's a figure of speech when I say
9 Local 1000 president.

10 Q. Mr. Brown, listen to my question.

11 A. I did listen to your question. I'm answering
12 your question.

13 Q. I'm reading from your -- I'm reading from --

14 A. And I just answered your question, sir. It's
15 a figure of speech because --

16 THE HEARING OFFICER: Mr. Brown --

17 THE WITNESS: I'm sorry, sir. I'm sorry.

18 THE HEARING OFFICER: Go ahead, Mr. Andonian.

19 MR. ANDONIAN: I was giving him a chance to
20 finish.

21 BY MR. ANDONIAN:

22 Q. Are you okay? Are you ready for a question?
23 Your email signature block states "Local 1000
24 President" underneath your name; right?

25 THE HEARING OFFICER: It's a yes-or-no

1 question, Mr. Brown.

2 THE WITNESS: I'll say no.

3 MR. ANDONIAN: Okay.

4 THE HEARING OFFICER: Move on.

5 MR. ANDONIAN: Yep.

6 BY MR. ANDONIAN:

7 Q. Last couple of questions, Mr. Brown, I wanted
8 to ask you.

9 You mentioned during direct the Courage and
10 Conviction discussions that you would host when you --
11 previously; right? Do you remember that?

12 A. Yes.

13 Q. And that's the -- the Courage and Conviction
14 was the title that you gave that particular set of
15 discussions with membership; is that right?

16 A. I'm sorry. Repeat that part again.

17 Q. Yeah. You testified on direct -- you referred
18 to a, quote, "Courage and Conviction discussion," a
19 regular conversation that you would host with members;
20 is that right?

21 A. Yes, on Wednesday -- Wednesday evenings.
22 Correct.

23 Q. Correct. My question is simply that was a
24 regular conversation or a regular forum that you hosted;
25 is that right?

1 A. Yes.

2 Q. And was there another one that was called
3 "Local 1000 Listens to You" or something to that effect?

4 A. When I am acting as the official president and
5 I was at the building, I would do my calls on Wednesday
6 night and I changed the name to Local 1000 Listens to
7 You. That's correct.

8 Q. Got it.

9 And those conversations were broadcast on
10 YouTube; right?

11 A. Yes. It was broadcast live on Facebook. It
12 was supposed to be broadcast on SEIU Local 1000's
13 YouTube account. It was supposed to be.

14 MR. ANDONIAN: Okay. Brief indulgence.

15 I don't have anything further.

16 THE HEARING OFFICER: Mr. Roque, do you have
17 further questions of Mr. Brown?

18 MR. ROQUE: Yeah, I actually do. Yeah, I do.
19 May I please recross-examine the witness?

20 THE HEARING OFFICER: No. You may redirect.
21 That means you are still bound by the same rules. You
22 may not ask leading questions. This is still your
23 witness.

24 MR. ROQUE: Okay.

25 ///

REDIRECT EXAMINATION

BY MR. ROQUE:

Q. Mr. Brown, going back to March 5th, you stated there was a conversation between you and Anne Giese.

Can you elaborate on that?

THE HEARING OFFICER: Asked and answered. You have to be -- you can redirect on questions that Mr. Andonian put to Mr. Brown. So you will have to be more specific than that. He's already testified on direct examination about a conversation. What is it that you -- you have to formulate a question about --

BY MR. ROQUE:

Q. Can you elaborate on the agreement, the email that was to be sent out that was requested between you and Anne Giese on March 5th?

A. Yes. Anne Giese came to the building. We had a conversation, her and I and a few other members. And she agreed that there was no break-in and that I would secure the building as the Local 1000 president. She also agreed to send out an email immediately that day telling the entire membership that there was no break-in and that a security agreement had been reached with the Local 1000 president.

She did not do that. So she violated the agreement. And in her violation of the agreement -- I

1 still upheld my part of the agreement to make sure the
2 building was secured and that staff could still come to
3 work that following Monday. So that was part of the
4 agreement that I still upheld.

5 Q. Thank you. I have one other question I would
6 like to ask.

7 The email that Mr. Andonian presented to
8 you --

9 Am I allowed to question on that?

10 THE HEARING OFFICER: Absolutely.

11 BY MR. ROQUE:

12 Q. In the signature field that Mr. Andonian had
13 presented, was that email giving --

14 THE HEARING OFFICER: Mr. Roque, you're
15 heading down a leading question.

16 BY MR. ROQUE:

17 Q. Was the signature erroneous?

18 A. To answer that question, the signature block
19 is not really my official signature block because it
20 doesn't have my writing on it. When I was emailing and
21 talking to everyone, what I was trying to do was hold on
22 to some level of self-esteem. Everyone knows in that
23 email that, quote, I've been "suspended." That's why
24 we're having these HR1 meetings.

25 So if that was an oversight, so be it. But I

1 was not acting like, quote, "I am the Local 1000
2 president" and this is an official email to the
3 membership or to the news media or to anyone else. So
4 that was a mischaracterization by Mr. Andonian.

5 Q. Okay. And final question. Did you ever
6 receive any complaints about Ms. Giese from members in
7 the past or staff members in the past?

8 THE HEARING OFFICER: You have to be more
9 specific than that, Mr. Roque. Again, what you're doing
10 is redirecting the witness's testimony with regard to
11 things that were said on cross-examination.

12 BY MR. ROQUE:

13 Q. What complaints have you received about Anne
14 Giese regarding Anne Giese?

15 THE HEARING OFFICER: It's still -- it's
16 broad. You're asking way too broad a question. If
17 there is something that Mr. Andonian asked Mr. Brown
18 about on cross-examination that you want to go back over
19 and clarify or if there is something that Mr. Brown --
20 that you think Mr. Brown should speak to with regard to
21 that, that's what you're directing.

22 MR. ROQUE: Thank you so much.

23 BY MR. ROQUE:

24 Q. Can you detail the security agreement that you
25 were referencing?

1 THE HEARING OFFICER: He just did. That was
2 your first --

3 BY MR. ROQUE:

4 Q. Can you elaborate more on your conversation?

5 THE HEARING OFFICER: He's already done that.
6 He's already done that with regard to the security
7 agreement. You've asked and answered that. It's asked
8 and answered on direct -- on redirect.

9 BY MR. ROQUE:

10 Q. Was there -- was there any actions -- was
11 there any complaints that led up to the suspension of
12 Anne Giese?

13 THE HEARING OFFICER: The suspension of Anne
14 Giese? Is that the question?

15 MR. ROQUE: Yes.

16 BY MR. ROQUE:

17 Q. Was there any complaints that led up to her
18 suspension?

19 A. Yes. I received numerous complaints about
20 Anne Giese not answering emails from the board of
21 directors concerning illegal board meetings starting
22 with the October 16th and 17th board meeting at the
23 Sacramento Democratic Headquarters in downtown
24 Sacramento.

25 I received other complaints that she was

1 nonresponsive to board members on other questions about
2 legalities, particularly concerning who suspended who
3 first. Did Richard suspend the duties of the VPs first
4 or did the VPs suspend Richard?

5 So I received numerous complaints. She
6 refused as the chief counsel to answer these questions.
7 But yet, she decided to work with the three VPs and
8 support them in their suspension of me. So, basically,
9 the chief counsel was playing political games. Because
10 many of the members felt she was not doing her job.

11 So as the elected president of Local 1000, I
12 was receiving a lot of questions, not just from the
13 board of directors, the DLC presidents, and BUNC chairs,
14 but I was receiving tons of complaints and questions
15 from dues-paying members and potential -- potential new
16 members about the chief counsel, Anne Giese's behavior
17 and performance as the lead attorney for Local 1000.

18 So when she didn't answer people repeatedly
19 and that she failed to uphold her end of the bargain on
20 March 5th, which greatly impacted people's perception of
21 the Local 1000 president, this caused irreparable damage
22 to Local 1000 and to the Local 1000 president and his or
23 her representation of membership -- for membership.

24 Q. So what was the result of all that?

25 A. So the result was I had to, quote, "suspend"

1 her to investigate these complaints against her.

2 Q. Can you elaborate on some of those complaints
3 specifically?

4 MR. ANDONIAN: Objection. Asked and answered
5 like ten seconds ago.

6 THE HEARING OFFICER: Asked and answered.
7 Sustained.

8 MR. ROQUE: All right. That's all I have.
9 Thank you.

10 THE HEARING OFFICER: Is there further
11 questioning of the witness?

12 MR. ANDONIAN: May I just ask one follow-up
13 question?

14 THE HEARING OFFICER: Go ahead.

15 RECROSS-EXAMINATION

16 BY MR. ANDONIAN:

17 Q. Mr. Brown, you are, to this day, still holding
18 Wednesday discussions with members of Local 1000;
19 correct?

20 A. Yes. On Wednesday evenings, I still hold
21 conversations as a dues-paying member of Local 1000.

22 MR. ANDONIAN: Thank you. Nothing further.

23 THE HEARING OFFICER: Mr. Roque, no further
24 questions?

25 MR. ROQUE: Yes.

1 FURTHER REDIRECT EXAMINATION

2 BY MR. ROQUE:

3 Q. Were you still the president on March 5th?

4 A. Yes. I was still the -- yes, I was still the
5 duly elected Local 1000 president on March 5th, 2022.

6 THE HEARING OFFICER: That concludes your
7 questioning, Mr. Roque?

8 MR. ROQUE: Yes.

9 THE HEARING OFFICER: Very well. That
10 concludes the direct and cross-examination of Mr. Brown.
11 Let's take a -- it's quarter till. Let's take
12 a 30-minute break.

13 Oh, is your witness -- are you prepared to
14 proceed with your 12:00 o'clock witness, Mr. Brown?

15 MR. BROWN: Yes. I will send her a text right
16 now and see if she can go right at 12:00, and hopefully
17 she'll respond right back.

18 THE HEARING OFFICER: Let's take a recess.
19 We'll be back at 12:00. It's now quarter till.

20 (Break taken, 11:44 a.m. to 12:01 p.m.)

21 THE HEARING OFFICER: Mr. Brown, are you with
22 us?

23 MR. BROWN: Yes, sir. I just got a text from
24 Youlanda Williams. She'll be ready to go -- she has to
25 go to a secure place. So she said at 12:05.

1 THE HEARING OFFICER: She's in the waiting
2 room now.

3 MR. BROWN: Oh, is she? Okay. Maybe she got
4 to the place already.

5 THE HEARING OFFICER: What new facts will she
6 be testifying?

7 MR. BROWN: She's going to be talking about
8 the HR1 process and then about, you know, did I abuse
9 Local 1000 leaders or staff.

10 THE HEARING OFFICER: Listen to me carefully.
11 The question is is her testimony going to be
12 substantially the same as the testimony we've already
13 heard with regard to the HR1 process and the denials
14 that other witnesses have stated that you did not abuse
15 the process?

16 Listen to what -- let me further explain what
17 I'm trying to do.

18 You have called witnesses to testify to each
19 of the allegations against you.

20 MR. BROWN: So --

21 THE HEARING OFFICER: And you -- let me
22 finish. And you yourself have testified with regard to
23 those allegations.

24 What we ordinarily do is if we say that if
25 there are other witnesses who are going to testify to

1 substantially the same thing -- that is, they're not
2 going to bring anything new to the table; they're going
3 to testify to substantially the same thing that other
4 witnesses have already testified to -- there is a way
5 for us to have that noted in the record between you and
6 Mr. Andonian that they would testify to substantially
7 the same thing and, therefore, there is no need to call
8 them as witnesses in this proceeding. That's what I'm
9 trying to inquire.

10 Mr. Andonian, would you be open to such a
11 stipulation with regard to the remaining witnesses?

12 MR. ANDONIAN: Yes, I would, if that's -- yes,
13 I would.

14 THE HEARING OFFICER: Mr. Brown, do you
15 understand what I'm saying? And ask any questions that
16 you want to ask about it.

17 MR. BROWN: Yes, I understand what you're
18 saying. Her testimony is unique, and her testimony --

19 THE HEARING OFFICER: Tell me how. Tell me
20 how.

21 MR. BROWN: Because she has a unique
22 perspective on these questions.

23 THE HEARING OFFICER: No, it's facts I'm
24 looking at, not perspective. So what new facts is she
25 going to put into the record?

1 MR. BROWN: Her experience with the HR1
2 process is very unique.

3 THE HEARING OFFICER: How?

4 MR. BROWN: Because she's been dealing with
5 the HR1 process, and she understands that Local 1000
6 under my leadership was running a lot differently than
7 what I'm being accused of as far as violating the HR1
8 process and the allegations that you're referring to. I
9 think it's either Allegation 9 or 10.

10 THE HEARING OFFICER: 10. We've had testimony
11 with regard to that.

12 MR. BROWN: So her facts -- her facts or her
13 testimony are going to be unique to the allegations.

14 THE HEARING OFFICER: You keep saying
15 "unique," but you're not telling me what those facts are
16 going to be.

17 MR. BROWN: Because she has to tell you.
18 Because she has to tell you in her voice.

19 THE HEARING OFFICER: No, she doesn't. You
20 have prepared this witness, if you're calling this
21 witness.

22 MR. BROWN: Right.

23 THE HEARING OFFICER: What I had asked earlier
24 on is for you to say what each of these witnesses was
25 going to testify to. You chose to simply say they would

1 testify to Allegations X, Y, or Z, without specifics.
2 It's now time for you to tell me what's the new facts
3 that this witness and the others are going to testify
4 to.

5 And it's not that their testimony would not be
6 taken into consideration. It's simply that they're
7 going to be testifying to -- listen to the words --
8 substantially the same facts that have already been
9 presented and, therefore, they are redundant. It will
10 be noted that, if called, they would have testified to
11 substantially the same facts and, therefore --

12 MR. BROWN: So she can -- I'm sorry.

13 THE HEARING OFFICER: Therefore, there is no
14 need to call them to testify because we already have
15 those facts in the record.

16 MR. BROWN: So here's the fact. The fact is
17 she took time out to testify today. The fact is she has
18 a unique perspective on these allegations that were
19 made --

20 THE HEARING OFFICER: You're not telling me --

21 MR. BROWN: Listen, your Order Number 29 --
22 Mr. La Rue, your Order Number 29, the way you're talking
23 about it now is not how I interpreted it when you first
24 sent that out. You said let these people testify to
25 Allegations 5, 8, and 9; and -- I think 5, 8, and 9, you

1 wanted to hear more information about that. You did not
2 state that --

3 THE HEARING OFFICER: No, I did not. That is
4 not what the order says. And I have repeatedly said
5 that I was not going to permit redundant testimony.

6 MR. BROWN: Right. So it says:

7 "Consequently, three issues have not been
8 addressed by Charging Party Brown's witnesses:
9 Issues 5, 8, and 9. Prior orders in this case
10 have made it clear that NHO La Rue will not
11 permit repetitive or cumulative testimony."

12 So, yes, I understand that. And that's why
13 I'm saying her testimony is unique. Do I know every
14 exact word she's going to say? No, I do not. And even
15 if I did --

16 THE HEARING OFFICER: You do not have to know
17 every exact word. But you have to be able to tell me
18 what she is going to testify to other than the
19 characterization that it's unique.

20 MR. BROWN: She's going to give her firsthand
21 knowledge of the information that you're accusing me of
22 that it's not -- it's not right. It's allegations.
23 It's false.

24 THE HEARING OFFICER: Which all the other
25 witnesses have already testified to with regard to those

1 matters.

2 Mr. Andonian, do you want to be heard on this?

3 MR. ANDONIAN: I mean, I'm happy to stipulate
4 if this is going to be a cumulative witness. I thought
5 I heard Mr. Brown saying she wasn't going to be that
6 long. I'm also happy to listen if this is really a
7 unique perspective. So that's a wishy-washy way of
8 saying I think I don't really -- I'm happy to defer.

9 MR. BROWN: Well, sir, Mr. La Rue --

10 THE HEARING OFFICER: Go ahead.

11 MR. BROWN: -- when she comes on, if you want
12 to restate to her what you told me and then she says,
13 "Okay. Then I don't really need to testify," then I'll
14 shut my mouth and I'll let it go.

15 THE HEARING OFFICER: Let me be clear what
16 you're saying.

17 MR. BROWN: Okay.

18 THE HEARING OFFICER: I'm to ask her what
19 she's going to be testifying to --

20 MR. BROWN: Yes, sir.

21 THE HEARING OFFICER: -- and whether she will
22 be testifying to any new facts pertaining to -- and
23 you're going to cross-examine -- I mean, examine her
24 with regard to Allegation 10?

25 MR. BROWN: Correct. Allegations 5, 8, and 9,

1 but it's really -- it's really about the HR1 and about
2 the treatment of staff.

3 THE HEARING OFFICER: And I am going to
4 represent to her that we have facts in the record
5 pertaining to the way the HR1 has been administered
6 under your presidency and ask her, "Are you going to add
7 anything new to that?"

8 MR. BROWN: Yes, sir.

9 THE HEARING OFFICER: And that's the --

10 MR. BROWN: Along with the treatment of staff.
11 Because she's taken time out of her day to do this.

12 THE HEARING OFFICER: I know that. And I
13 don't want to keep her any longer than is absolutely
14 necessary. That's why I'm raising this now. I'm trying
15 to save all of us the time and the imposition that this
16 takes on everybody.

17 All right. I'm going to proceed, allow you to
18 -- I think that, rather than doing it the way that you
19 suggested, I'm going to allow you to examine this
20 witness. If I find that it is redundant, then I'm going
21 to -- with regard to the other witnesses you're going to
22 want to call, I'm going to assume that they're going to
23 be redundant as well and we'll go back to my --

24 MR. BROWN: No, that's not true, because the
25 other witnesses have totally different information to

1 share. That's totally not true.

2 THE HEARING OFFICER: Well, that's what you've
3 said about Ms. Williams.

4 MR. BROWN: Well, the person coming at
5 2:00 o'clock is a DLC president or former president. So
6 his perspective is coming from the board, which is --

7 -- THE HEARING OFFICER: Perspective is not
8 what I want. I need facts.

9 MR. BROWN: But he's giving you expert
10 knowledge over these allegations. If I'm trying to
11 defend myself and I have 100 witnesses and I narrowed it
12 down to 65 and you only limit it to 10, then --

13 THE HEARING OFFICER: All right. Call --
14 admit Ms. Williams.

15 Good afternoon, Ms. Williams. My name is
16 Homer La Rue, and I'm the hearing officer for this
17 matter. I'm going to ask everyone in the hearing
18 space --

19 Can you hear me okay, Ms. Williams?

20 Ms. Williams, can you hear me?

21 Ms. Williams, I cannot hear you.

22 MS. WILLIAMS: I can't hear.

23 THE HEARING OFFICER: I can just barely hear
24 you now. Can you hear me?

25 MS. WILLIAMS: Let me see if I can go

1 somewhere else, because I can't hear.

2 THE HEARING OFFICER: Can you hear me now?

3 MS. WILLIAMS: I still can't hear. I'll try.
4 Go ahead.

5 THE HEARING OFFICER: Can you hear me now?

6 Ms. Williams? Testing, testing. Can you hear me?

7 MS. WILLIAMS: I can't hear.

8 THE HEARING OFFICER: Ms. Williams, can you
9 hear me at all?

10 MS. WILLIAMS: Hold on. Hold on.

11 Okay. I'm going to have to put the phone up
12 to my ear.

13 THE HEARING OFFICER: Can you hear me?

14 MS. WILLIAMS: I can hear you with the phone
15 up to my ear.

16 THE HEARING OFFICER: We need video as well.

17 MS. WILLIAMS: I can do the video, but then I
18 can't hear you. And it's up loud. It's up to the
19 maximum.

20 THE HEARING OFFICER: Mr. Brown, how -- I
21 don't know how to proceed with this.

22 MS. WILLIAMS: Excuse me?

23 THE HEARING OFFICER: Can you hear me now,
24 Ms. Williams?

25 MS. WILLIAMS: I can hear you. I have to put

1 the phone up to my ear because my earplugs don't work.

2 THE HEARING OFFICER: We have to be able to
3 see you as well.

4 MS. WILLIAMS: Okay.

5 THE HEARING OFFICER: Mr. Andonian, are you
6 willing to proceed with this witness's audio only?

7 MR. ANDONIAN: I'm okay with that at this
8 point, for the sake of expediency.

9 THE HEARING OFFICER: Very well.

10 Ms. Williams, we're going to proceed with you
11 on audio only.

12 MS. WILLIAMS: Well, that's fine.

13 THE HEARING OFFICER: I can hear you. You
14 cannot hear me.

15 MS. WILLIAMS: Go ahead.

16 THE HEARING OFFICER: So you'll stay on audio
17 only. Don't turn on your camera. That way you'll be
18 able to hear everything that's going on.

19 I'm going to first start off by asking
20 everyone in the hearing space to identify themselves so
21 you'll know who is here.

22 My name is Homer La Rue, and I am the hearing
23 officer. With me is Ms. Grdina, who is the neutral case
24 manager.

25 MS. GRDINA: Hi. This is Betty Grdina.

1 THE HEARING OFFICER: Mr. Andonian.

2 MR. ANDONIAN: Good afternoon, Ms. Williams.
3 My name is Phil Andonian, and I represent the charging
4 party, Anica Walls, who is also present.

5 THE HEARING OFFICER: And Ms. Walls.

6 MS. WALLS: Hello, Ms. Youlanda. Anica Walls,
7 vice president for representation/organizing.

8 THE HEARING OFFICER: Mr. Brown, please
9 introduce yourself and your team.

10 MR. BROWN: Good afternoon, Youlanda.

11 MS. WILLIAMS: Good afternoon, Mr. Brown.

12 And, Ms. Walls, it's "Ms. Williams." I would
13 prefer you speak with me in that tone. Thank you.

14 THE HEARING OFFICER: Mr. Roque, introduce
15 yourself, please.

16 MR. ROQUE: Good afternoon, Ms. Williams. My
17 name is Derick Roque. I'm assistant to Richard Brown.

18 THE HEARING OFFICER: Ms. Lynch.

19 MS. WILLIAMS: Good afternoon. Good
20 afternoon, Mr. Roque. Youlanda Williams.

21 THE HEARING OFFICER: Ms. Lynch.

22 MS. LYNCH: Good afternoon, Ms. Williams.
23 This is Ebie Lynch, assistant to President Brown.

24 MS. WILLIAMS: Good afternoon, Ms. Ebie Lynch.

25 THE HEARING OFFICER: Ms. Williams, this

1 matter is being recorded by a court reporter.

2 THE REPORTER: Good afternoon, Ms. Williams.
3 My name is Rose Davis. I am the court reporter.

4 MS. WILLIAMS: Good afternoon, Ms. Davis.

5 THE HEARING OFFICER: Ms. Williams, do you
6 have any notes with you pertaining to this matter?

7 MS. WILLIAMS: Do I have anything? No.
8 Should I?

9 THE HEARING OFFICER: No, you should not.

10 MS. WILLIAMS: Oh, okay.

11 THE HEARING OFFICER: Mr. Brown will provide
12 you with anything he wants you to look at.

13 Are you in a space where your testimony cannot
14 be overheard?

15 MS. WILLIAMS: Well, I'm outside. And no one
16 is really close to me to hear.

17 THE HEARING OFFICER: All right. So there is
18 no one near you. So I'll take that as you're in a
19 private enough setting for this.

20 In a few moments I'm going to ask you to
21 affirm or take an oath with regard to your testimony.
22 Mr. Brown will then ask you some questions. During that
23 questioning, Mr. Andonian may object to a question. If
24 he does so, please do not answer until I have ruled on
25 the objection. Then after Mr. Brown has completed his

1 direct examination, Mr. Andonian will be permitted to
2 ask questions on cross-examination.

3 Do you understand how we're proceeding?

4 MS. WILLIAMS: Yes.

5 THE HEARING OFFICER: I'm going to ask you to
6 raise your right hand. Do you swear or affirm that the
7 testimony you're about to give will be the truth and the
8 whole truth?

9 THE WITNESS: Yes.

10 THE HEARING OFFICER: Thank you.

11 YOULANDA O. WILLIAMS,
12 called as a witness on behalf of the Charged Party
13 Brown, was sworn and testified as follows:

14 THE HEARING OFFICER: Mr. Brown, proceed.

15 MR. BROWN: Thank you.

16 DIRECT EXAMINATION

17 BY MR. BROWN:

18 Q. So, Youlanda Williams, I'm going to read an
19 allegation, Allegation Number 9, briefly, a part of it.

20 "Brown grossly abused his position and the
21 treatment of staff."

22 Youlanda Williams, is this correct?

23 MR. ANDONIAN: Objection. Calls for a legal
24 conclusion.

25 THE HEARING OFFICER: We want facts,

1 Mr. Brown. It is for me to decide, as the hearing
2 officer, whether it's correct or not.

3 BY MR. BROWN:

4 Q. All right. From your personal knowledge,
5 Youlanda Williams, have you ever seen me be aggressive
6 with staff?

7 A. No.

8 THE HEARING OFFICER: Mr. Brown, you're
9 leading the witness. Facts.

10 BY MR. BROWN:

11 Q. All right. From your personal knowledge, can
12 you factually tell me if you've ever seen --

13 THE HEARING OFFICER: No, Mr. Brown. You're
14 still putting the answer in the question.

15 BY MR. BROWN:

16 Q. Okay. From your personal knowledge, Youlanda,
17 can you tell me your experience with my handling of
18 staff?

19 A. I have not seen you be aggressive.

20 Q. All right. From your personal knowledge, have
21 you ever seen me abuse staff?

22 A. No.

23 Q. On February 23rd, when I was at the building
24 on my Wednesday night call, "Local 1000 Listens to You,"
25 did you ever see me be aggressive with staff?

1 A. No.

2 Q. All right. Can you tell me your experience
3 with the HR1 process with Local 1000?

4 A. I have filed HR1 filings.

5 Is that the question?

6 Q. Yes.

7 Can you elaborate what your experience with
8 your filing of the HR1s?

9 A. Oh, yes. I have filed, and they didn't get
10 back to me right away in regards to my filings.

11 And then some of my filing -- one of my
12 filings -- one of my -- what do you call it --
13 allegations were not -- it was taken off of the answer
14 or acknowledgment. And I had to write Mr. -- I guess
15 his name is Ronnie and let him know that, you know, that
16 wasn't on there in regards to mishandling of funds in
17 regards to Teresa Taylor regarding the \$1800 I was
18 speaking of.

19 Q. Can you please elaborate on your HR1s, who you
20 filed them against?

21 A. I filed one against Teresa Taylor. I've filed
22 also against Anica, Irene, William Hall, and David
23 Jimenez.

24 Q. Have you seen me abuse the HR1 process?

25 A. I -- no. No.

1 Q. Have you witnessed any abuse by the membership
2 against me as the Local 1000 president?

3 A. Yes.

4 MR. ANDONIAN: Objection.

5 THE HEARING OFFICER: Your objection,
6 Mr. Andonian?

7 MR. ANDONIAN: It's leading, and it's
8 potentially impossibly vague and broad.

9 THE HEARING OFFICER: Leading question,
10 Mr. Brown.

11 BY MR. BROWN:

12 Q. All right. So I'll go back to the HR1 and
13 I'll come back to this one.

14 With the HR1s, did you file any HR1s against
15 Anica Walls?

16 THE HEARING OFFICER: Asked and answered.

17 THE WITNESS: Yes.

18 BY MR. BROWN:

19 Q. And what happened to those HR1s?

20 A. I received acknowledgment but nothing
21 acknowledged that they received it.

22 Q. And nothing has happened; is that correct?

23 A. Right. Nothing. I mean, just an acknowledge
24 letter.

25 Q. On my calls on Wednesday night, "Local 1000

1 Listens to You," have you witnessed membership abuse me?

2 MR. ANDONIAN: Objection. Leading.

3 THE WITNESS: Yes.

4 THE HEARING OFFICER: Leading question,
5 Mr. Brown.

6 BY MR. BROWN:

7 Q. What have you witnessed on my Wednesday night
8 calls other than me giving out information about
9 creating a new culture for Local 1000? What have you
10 witnessed as far as membership and their treatment of
11 me?

12 MR. ANDONIAN: Same objection.

13 THE HEARING OFFICER: Putting the answer into
14 the question.

15 BY MR. BROWN:

16 Q. All right. So what have you witnessed on my
17 Wednesday night calls?

18 A. Your giving information. Also, some members
19 coming on there being really irate with you, you know.
20 So, yeah, a lot of that going on.

21 Q. So to elaborate on the members being irate,
22 what behaviors did they exhibit when they were being
23 irate to me?

24 A. I don't know the person's name, but they
25 called you a chicken head or some -- out of your name,

1 you know, which was rude. This has happened on several
2 occasions.

3 Q. Do you feel when they called names that were
4 not my real name, do you feel that sometimes that was
5 racially motivated?

6 MR. ANDONIAN: Objection.

7 THE HEARING OFFICER: You're leading. Reframe
8 the question.

9 BY MR. BROWN:

10 Q. When they were calling me names -- what do you
11 think their motivation was when they called me names
12 that were not mine?

13 THE HEARING OFFICER: Calls for speculation.
14 She cannot know what is in somebody else's mind.

15 MR. ANDONIAN: Objection.

16 BY MR. BROWN:

17 Q. On my Wednesday night calls, did you ever
18 witness me being rude to members when they were being
19 rude to me?

20 MR. ANDONIAN: Objection. Leading.

21 THE HEARING OFFICER: It's asked and answered.

22 BY MR. BROWN:

23 Q. Did you ever witness me being rude to
24 membership on Wednesday nights on my Wednesday night
25 calls?

1 A. You got at them sometimes because --

2 Q. When you say I "got at them sometimes," was I,
3 quote, "getting at them" to defend myself or to defend
4 the power of the president?

5 A. Oh, no --

6 MR. ANDONIAN: Objection. Leading.

7 THE HEARING OFFICER: Mr. Brown, you're
8 leading this witness. I need facts from this witness.
9 You cannot put the answer that you're looking for into
10 the question that you're asking. That makes it a
11 leading question.

12 BY MR. BROWN:

13 Q. All right. So let me ask you this question.
14 Did the HR1s you filed against Anica, David, Bill,
15 Teresa, were they ever set for hearings?

16 A. No. I just got a letter.

17 THE HEARING OFFICER: Now, Mr. Brown, notice
18 how that was a fact-seeking question.

19 MR. BROWN: Yes, sir.

20 THE HEARING OFFICER: That's what I need.

21 BY MR. BROWN:

22 Q. So you said that was "No," Youlanda?

23 A. Right. I just got an acknowledgment letter
24 but no set date, no hearing.

25 Q. Do you remember what the letter said?

1 A. "We're in receipt of your HR1."

2 And then the one with Teresa Taylor, it was
3 basically explaining that they gave a letter to Teresa
4 Taylor about her behavior, but they didn't acknowledge
5 the other allegation, which was the mishandling of the
6 money that I was speaking about.

7 THE HEARING OFFICER: Let's move on. Asked
8 and answered twice now.

9 MR. BROWN: Okay. That's all I have to ask.
10 Thank you very much.

11 THE HEARING OFFICER: Mr. Andonian.

12 MR. ANDONIAN: No questions.

13 THE HEARING OFFICER: Ms. Williams, thank you
14 for your time. You're excused.

15 THE WITNESS: Okay. Thank you. Bye.

16 THE HEARING OFFICER: Your next witness,
17 Mr. Brown?

18 MR. BROWN: My next witnesses won't be
19 available until 2:00 p.m.

20 THE HEARING OFFICER: Mr. Brown, you didn't
21 put any of us on notice about the availability of your
22 witnesses, but you were on notice that your witnesses
23 were to be available today to testify.

24 MR. BROWN: They're available today. And I
25 thought that -- I was trying to leave gaps. People were

1 working. They said, "Well, I can be available at this
2 time on that day." And so that's the best --

3 THE HEARING OFFICER: You didn't inform me.
4 You didn't inform Mr. Andonian about any of those plans.
5 This is the first time either one of us --

6 MR. BROWN: Wait a minute. Wait a minute. If
7 you scheduled this whole day and my witnesses are
8 working their schedule and they can fit this into their
9 schedule at certain times and the whole day is allotted
10 for this, what is the problem?

11 I simply want to know if I'm getting a fair
12 chance -- what I want to know, am I getting a fair
13 chance to get my witnesses in here to factually answer
14 these questions the way you want them answered? Because
15 the way I'm looking at this, Mr. La Rue, you say one
16 thing, you put it in the orders, and then you say
17 something different when it's time to have the actual
18 meetings. That's what I'm seeing.

19 THE HEARING OFFICER: Mr. Brown, you were on
20 notice that your witnesses were to be available today.
21 The hearing is supposed to be a continuous and not big
22 gaps.

23 MR. BROWN: And it starts at 9:30 and it ends
24 at 6:00, and so I'm still within my gap. I'm doing the
25 very best I can. That's what I notice.

1 THE HEARING OFFICER: So your next witness is
2 not going to be available for another -- how long?

3 MR. BROWN: After 2:00 p.m. Hopefully right
4 at 2:00 p.m. but not too long after 2:00 p.m. If they
5 don't respond to the texts, then my next witness will be
6 available at 4:30. These people are working. They have
7 lives. They're working. Now, I'm doing everything I
8 can to squeeze all these people in by 6:00 o'clock this
9 evening.

10 THE HEARING OFFICER: Pardon me?

11 MR. BROWN: I'm doing everything I can to
12 squeeze all these people in by 6:00 o'clock this
13 evening. You said you did not want to go past 6:00.
14 That's what you said.

15 THE HEARING OFFICER: Let's take a 15-minute
16 recess. It's 3:30. Be back on at a quarter till.

17 (Break taken, 12:29 p.m. to 12:46 p.m.)

18 THE HEARING OFFICER: All right. As I
19 understand it, your next witness, Mr. Brown, will be
20 available at 2:00 o'clock; correct?

21 MR. BROWN: My next witness will be available
22 after 2:00 o'clock. I've been texting --

23 THE HEARING OFFICER: "After" or "at"?

24 MR. BROWN: He told me he'll be available by
25 2:00. He's not been answering his texts this morning.

1 So I'm steady reaching out to him every few minutes
2 asking him where he's at.

3 THE HEARING OFFICER: All right. When we come
4 back on at 2:00 o'clock, we'll expect your next witness,
5 your 2:00 o'clock witness. You'll also tell us how
6 you're going to schedule your remaining witnesses to
7 complete this matter by 6:00 p.m. today.

8 MR. BROWN: Yes. So my next witness is
9 supposed to come on at 2:00 or a little bit after 2:00.
10 And then -- then -- that's Jack Dean. And then Keri
11 Dean will go on after him, hopefully immediately. And
12 then the next person, Dr. Guzman, says she'll be
13 available at 4:30. These people work at CDCR; so
14 sometimes they don't have access.

15 THE HEARING OFFICER: 6:00 p.m.

16 MR. BROWN: Yes, sir.

17 THE HEARING OFFICER: Give us the schedule
18 when we resume at 2:00 p.m.

19 MR. BROWN: Right. Right. So hopefully at
20 2:00, Jack Dean will go on --

21 THE HEARING OFFICER: No, not now. Give us
22 the schedule at 2:00 o'clock when we resume. That's
23 when your witness is supposed to be ready to testify.

24 MR. BROWN: Okay. Thank you very much.

25 THE HEARING OFFICER: And the names of the

1 persons who are going to be testifying.

2 MR. BROWN: Thank you.

3 THE HEARING OFFICER: All right.

4 2:00 o'clock.

5 (Break taken, 12:48 p.m. to 2:00 p.m.)

6 MR. BROWN: Mr. La Rue?

7 THE HEARING OFFICER: Yes.

8 MR. BROWN: So I'm still waiting for the next
9 witness to get back with me. It's almost 2:00 o'clock.
10 He still has not gotten back with me. So if you want to
11 say -- you know, give me a reasonable 15 minutes. If he
12 doesn't get back with me, then -- you know, you've been
13 reasonable up to this point with me; so --

14 Oh, hold on one second. Wait. I stand
15 corrected. Now he's stating it's not letting us into
16 the meeting. Jack Dean.

17 THE HEARING OFFICER: I don't see him in the
18 waiting room.

19 In your Zoom window, in the top left-hand
20 corner, do you see an icon up there? a green? Click on
21 it. There's a link.

22 Mr. Brown, do you see that?

23 MR. BROWN: I'm sorry. I thought you were
24 talking to someone else.

25 Okay.

1 THE HEARING OFFICER: Copy that link and send
2 it to him and ask him to sign in again.

3 ZOOM HOST LISA MATTSON: Mr. La Rue, that
4 won't work that way. They should be using the
5 individual link that was emailed to them. It should
6 have went out yesterday at the same time everyone else
7 got theirs.

8 THE HEARING OFFICER: Mr. Brown, are you
9 and/or Mr. Roque working on this?

10 Lisa, have you sent it out again?

11 ZOOM HOST LISA MATTSON: Let me send it right
12 now.

13 THE HEARING OFFICER: All right. Thank you.
14 While we're waiting on that, the court
15 reporter has some names that she needs the spelling of.

16 THE REPORTER: Yes. Thank you.

17 (Discussion off the record.)

18 THE HEARING OFFICER: Before Mr. Dean is
19 admitted -- he's in the waiting room now -- Mr. Brown,
20 would you share with us the schedule of witnesses and
21 the timing?

22 MR. BROWN: Yes. So Jack Dean will go when he
23 is let in. And immediately after him, within a few
24 minutes, Keri Dean will be next. And then at 4:30,
25 Dr. Barbara Guzman.

1 THE HEARING OFFICER: Is that the list?

2 MR. BROWN: Yes.

3 THE HEARING OFFICER: So Ms. Martin is not
4 testifying?

5 MR. BROWN: I have not been able to reach
6 Lynda Martin.

7 THE HEARING OFFICER: Very well. So that is
8 the three witnesses we will hear from today.

9 All right. Are you prepared for Mr. Dean?

10 MR. BROWN: Yes.

11 THE HEARING OFFICER: While we're waiting for
12 Mr. Dean to come in, again, Mr. Brown, I want to
13 emphasize the importance of facts -- not perspective,
14 not characterizations, but facts. That's what's going
15 to help us make a decision here.

16 Mr. Dean, can you hear us?

17 MR. DEAN: Yes. I can hear you. Can you hear
18 me?

19 THE HEARING OFFICER: We can hear you but we
20 cannot see you.

21 There you are.

22 Okay, Mr. Dean. My name is Homer La Rue, and
23 I'm the hearing officer. Can you hear me?

24 MR. DEAN: I can hear you, yes.

25 THE HEARING OFFICER: Okay. We can hear you

1 and we can see you.

2 Before we begin, I'm going to ask the folks in
3 the space to introduce themselves to you so you'll know
4 who is here, starting with Mr. Andonian and his client.

5 MR. ANDONIAN: Good afternoon, Mr. Dean. My
6 name is Phil Andonian. I represent the charging party,
7 Anica Walls, who is also present.

8 THE HEARING OFFICER: Ms. Walls, please
9 identify yourself.

10 MS. WALLS: Anica Walls, vice president of
11 representation and organizing.

12 THE HEARING OFFICER: And I neglected to
13 indicate that Ms. Grdina will introduce herself.

14 MS. GRDINA: Betty Grdina. I'm the neutral
15 case adviser.

16 THE HEARING OFFICER: Mr. Brown, your team.

17 MR. BROWN: Yes. Richard Louis Brown.

18 THE HEARING OFFICER: Mr. Roque.

19 MR. ROQUE: Good afternoon. Derick Roque,
20 assistant to President Brown.

21 THE HEARING OFFICER: Ms. Lynch.

22 MS. LYNCH: Hello, Mr. Dean. Ebie Lynch,
23 assistant to Mr. -- President Brown.

24 THE HEARING OFFICER: And, Mr. Dean, this
25 matter is being recorded by a court reporter, Ms. Davis.

1 THE REPORTER: Good afternoon, Mr. Dean. Rose
2 Davis, court reporter.

3 THE HEARING OFFICER: Mr. Dean, in a few
4 moments Mr. Brown is going to ask you some questions on
5 direct examination. Following that, Mr. Andonian will
6 ask you some questions on cross-examination.

7 Before that happens, I'd like to ask you, are
8 you in a private place where no one can hear your
9 testimony?

10 MR. DEAN: I am in a room. My wife, Keri
11 Dean, is in the room with me.

12 THE HEARING OFFICER: I'm going to ask that
13 your wife excuse herself while you're testifying.

14 MR. DEAN: Okay.

15 THE HEARING OFFICER: Can you represent that
16 she is now absent from the room?

17 Mr. Dean?

18 MR. DEAN: Yes, I can now.

19 THE HEARING OFFICER: All right. Thank you.
20 So there is no one who can hear your testimony.

21 Do you have any documents in front of you
22 pertaining to this matter?

23 MR. DEAN: No.

24 THE HEARING OFFICER: Very well. Do you
25 understand how we're going to proceed this afternoon?

1 MR. DEAN: Not necessarily, no.

2 THE HEARING OFFICER: Okay. Again, Mr. Brown
3 is going to ask you some questions on what we call
4 direct examination. You will respond to his questions.
5 If at some point Mr. Andonian objects to a question
6 that's being put to you, I ask you to please cease
7 answering the question until I've made a ruling on the
8 objection. If I rule that the objection is overruled,
9 then you will answer the question. If I rule that the
10 objection is sustained, then Mr. Brown will move on to
11 his next question.

12 Is that -- do you understand that?

13 MR. DEAN: Yes.

14 THE HEARING OFFICER: Very well. In a moment
15 I'm going to ask you to take an affirmation or an oath
16 as to your testimony here today.

17 Do you have any other questions?

18 MR. DEAN: No.

19 THE HEARING OFFICER: Very well. I'll ask you
20 to raise your right hand. Do you swear the testimony
21 you're about to give in this proceeding or affirm that
22 the testimony you're about to give in this proceeding
23 will be the truth and the whole truth?

24 THE WITNESS: I do.

25 THE HEARING OFFICER: Thank you.

1 JACK DEAN,
2 called as a witness on behalf of the Charged Party
3 Brown, was sworn and testified as follows:

4 THE HEARING OFFICER: Mr. Brown, you may
5 proceed.

6 MR. BROWN: Thank you.

7 DIRECT EXAMINATION

8 BY MR. BROWN:

9 Q. Mr. Dean, are you a DLC president?

10 A. Not currently.

11 Q. Were you a DLC president?

12 A. Yes, I was.

13 Q. Could you tell me what DLC that is?

14 A. DLC 792.

15 Q. All right. When you were DLC president, were
16 you also a Local 1000 board of director?

17 THE HEARING OFFICER: Mr. Brown, I think it
18 would be helpful for the record if you can identify the
19 period of time when Mr. Dean was a president.

20 MR. BROWN: Thank you, Mr. La Rue.

21 BY MR. BROWN:

22 Q. For what period of time were you the DLC 792
23 president?

24 A. About the same period of time that -- well, I
25 took office the same time you took office.

1 Q. So is it correct to say May of -- or we got
2 sworn in in June of 2021?

3 A. That's correct.

4 Q. And when did you no longer -- when were you no
5 longer the DLC 792 president?

6 A. I resigned about two months ago.

7 Q. So at the end of August?

8 A. Correct.

9 Q. Okay. And when you were a DLC president, were
10 you also a board of director member?

11 A. Yes, I was.

12 Q. Okay. While you were the DLC president, did
13 you see or witness any financial malfeasance by
14 Local 1000?

15 A. During the time that I was there or prior to
16 the time that I was there?

17 Q. Under my leadership, did you notice any
18 financial malfeasance?

19 A. No, not at all.

20 Q. Okay. Are you aware of the HR1 allegations
21 regarding financial malfeasance against me?

22 A. Yes, I am.

23 Q. All right. Were you part of the budget
24 committee --

25 A. I was.

1 Q. -- for Local 1000?

2 All right. Can you tell me about the budget
3 committee meeting when it was discussed about paying off
4 the \$6 million on the buildings, the three Local 1000
5 buildings?

6 MR. ANDONIAN: Objection. Leading.

7 THE HEARING OFFICER: One second. Camera just
8 went dead.

9 Okay. I'm sorry. Go ahead.

10 BY MR. BROWN:

11 Q. At the budget meeting -- budget committee
12 meeting in December of '21, do you recall who voted to
13 pay off the \$6 million regarding the day-to-day
14 operations for Local 1000?

15 A. I do.

16 Q. All right. Can you elaborate on who voted to
17 pay off the \$6 million?

18 A. It was myself, David Jimenez, Keri Dean --
19 sorry. It's been a long day. I'm trying to remember
20 the other person that was on the budget committee.

21 I don't know. I can't remember. I can't
22 remember his name right now. Everybody but one person,
23 actually, voted to --

24 Q. All right. Do you remember the one person --

25 THE HEARING OFFICER: Mr. Brown -- Mr. Brown,

1 one second.

2 MR. BROWN: Sorry.

3 THE HEARING OFFICER: Take a beat after the
4 witness has answered to make sure you're not overriding
5 the last part of his answer so the court reporter can
6 get everything. Proceed.

7 BY MR. BROWN:

8 Q. At that board meeting in December, December of
9 2021, do you recall if I voted to pay off the
10 \$6 million?

11 A. You weren't in the room. You weren't part of
12 the vote.

13 Q. Do you recall who brought it up for a vote
14 saying it was a good financial reason to pay off that
15 \$6 million?

16 MR. ANDONIAN: Objection. Leading.

17 THE HEARING OFFICER: Sustained.

18 BY MR. BROWN:

19 Q. Do you recall in that board meeting why it was
20 discussed to pay off that \$6 million owed for the three
21 buildings for Local 1000?

22 A. I do. It was brought up by the CB- -- I think
23 it was CBO at the time -- but Denye Versher brought it
24 to the budget committee and said that the way the loan
25 was set up, there wasn't any way for us to -- there was

1 no reason for us to have it. We were paying interest
2 on, you know, nothing. So there was a long discussion
3 about that. But that's why it started.

4 Q. And you stated that it was a unanimous
5 decision except one person voted against paying off the
6 buildings.

7 Do you remember who that one person was?

8 A. So you're going to hit me with names again.

9 I do. I can picture his face. If you asked
10 me to remember a name right now, I can't remember names.
11 I'm just drawing an absolute blank.

12 Q. All right.

13 A. It has been a long day. I got up very early
14 this morning.

15 I can't remember his name. I'm sorry.

16 Q. All right. If I give you the names -- can you
17 tell me if these were the names of the budget committee,
18 if they're correct when I give them to you?

19 A. Sure.

20 Q. Myself, Richard Louis Brown; is that correct?

21 A. Correct.

22 Q. Secretary-treasurer David Jimenez?

23 A. That's correct.

24 Q. Jack Dean?

25 A. That's correct.

1 Q. Keri Dean?

2 A. That's correct.

3 Q. Paul Garong?

4 A. I think you wanted me to remember it. Thank
5 you. Yes, that's correct.

6 Q. I just can't say his name correctly.
7 Delonne Johnson?

8 A. Delonne Johnson, yes. Delonne Johnson is the
9 one that voted against paying that off.

10 Q. All right. And then we also had staff members
11 Chief Financial Officer Denye Versher?

12 THE HEARING OFFICER: Why don't you ask him
13 about this one. He might remember.

14 MR. BROWN: I'm sorry.

15 THE HEARING OFFICER: Allow him to do the last
16 one.

17 Do you remember the staff members there,
18 Mr. Dean?

19 THE WITNESS: The staff members, well, I do
20 remember Denye Versher being part of that. And then --
21 well, I'm just not recalling names right now. My brain
22 is shut off when it comes to names. I'm sorry.

23 BY MR. BROWN:

24 Q. Would you happen to recall if that staff
25 member's name was Chris Brackett?

1 A. That's correct. It was Chris Brackett.

2 Q. All right. And at that meeting to pay off the
3 \$6 million, do you remember the conversation that that
4 was part of running the day-to-day operations for
5 Local 1000, paying off that building, those three
6 buildings?

7 MR. ANDONIAN: Objection. Leading.

8 THE HEARING OFFICER: Leading, Mr. Brown.

9 BY MR. BROWN:

10 Q. At that budget meeting to pay off the
11 \$6 million, do you recall the discussion on why it could
12 be done without going through the board of directors
13 meeting?

14 MR. ANDONIAN: It's still leading.

15 THE HEARING OFFICER: I'm going to permit it
16 to move it.

17 Mr. Dean, do you have recollection of it?

18 THE WITNESS: Not clear, no. I remember there
19 being discussion, but I don't remember the details of
20 that discussion.

21 THE HEARING OFFICER: Next question,
22 Mr. Brown.

23 MR. BROWN: Thank you.

24 BY MR. BROWN:

25 Q. Have you ever observed me bullying or trying

1 to intimidate staff?

2 A. No.

3 MR. ANDONIAN: Objection. Leading.

4 THE HEARING OFFICER: You're leading,
5 Mr. Brown. You're putting the answers in the question.

6 BY MR. BROWN:

7 Q. What is your recollection of my relationship
8 with Local 1000 staff?

9 THE HEARING OFFICER: Not a leading question.

10 MR. BROWN: Thank you.

11 THE HEARING OFFICER: Mr. Dean.

12 THE WITNESS: Okay. I wasn't sure if I could
13 answer that or not.

14 THE HEARING OFFICER: You can answer it, yes.

15 THE WITNESS: My recollection of your demeanor
16 with them and your relationship with them was that you
17 had a good demeanor and relationship until you got
18 backed into a corner, which happened quite often. It
19 was -- Richard Brown working to be a union leader and
20 working with other people to be a union leader was
21 great. Richard Brown having to fight from his back
22 because he'd been backed into a corner by three
23 different groups of people, you know, you did what you
24 had to do.

25 You know, I mean, was there arguments? Were

1 there times where it was heated? Absolutely. But was
2 there cause for it? Absolutely, you know. But I never
3 saw you be anything other than professional. Was there
4 times where it got heated? Absolutely. But sometimes,
5 you know, professional conversations, they get heated.

6 BY MR. BROWN:

7 Q. Do you recall how the three vice presidents
8 interacted with me?

9 A. I do. It was all very different.

10 We didn't see Irene Green interact with you
11 too much. But when it was, it was very professional and
12 short and not a lot of long conversation.

13 David Jimenez, I didn't really see a lot of
14 conversation there because, as you know, he was only in
15 Sacramento a couple of days out of the month. So there
16 wasn't a lot.

17 Anica, you know, it seemed like pretty much
18 every morning was in your office.

19 And from what I saw from all three of them was
20 more trying to get your ear to jockey a position in the
21 union, not trying to get your ear to make things better
22 in our union, not trying to help the membership but
23 trying to help themselves more than trying to help, you
24 know, the membership.

25 Q. Do you recall how long you were on union leave

1 during this time?

2 A. From at some point in August -- I can't
3 remember the exact date in August -- through the
4 following March.

5 Q. And do you recall working close -- I'm sorry.

6 THE HEARING OFFICER: What year?

7 THE WITNESS: That would have been -- so
8 August of '21 to March of '22.

9 BY MR. BROWN:

10 Q. Do you recall working closely with me when you
11 were on union leave during that time frame?

12 A. I do. I mean, my office was directly across
13 from yours. I don't think there was many conversations
14 that you were involved in, especially towards the end,
15 that I wasn't involved in. I think it was -- we were
16 trying to keep it that way by design just because the
17 writing was on the wall that, from day one, before you
18 were even sworn in, we knew they were coming after you.
19 We knew from the conversations they were coming after
20 you. They tried to keep you from getting sworn in.
21 This was an attack on whoever took that office. It
22 wasn't an attack on Richard Louis Brown.

23 Q. Do you recall language being used against me
24 that was unprofessional?

25 A. Absolutely.

1 Q. Can you give a couple quick examples?

2 A. Well, let's see. I think it all started
3 with -- no, it actually wasn't Theresa Taylor. It was
4 the other one. Called you an asshole because you hung
5 up the phone, or at least she thought you had hung up
6 the phone. And then you got the "suck a dick" and "eat
7 a dick" comments that came through towards you. Those
8 are a couple off the top of my head.

9 Denise Quinn-Allen I think was the first one
10 that started it when she -- I think her comment was
11 "What an asshole."

12 Q. And do you recall when she said that, what
13 month that was on my Wednesday night call?

14 A. I think it was in August. I'm pretty sure it
15 was in August.

16 Q. Okay. And one follow-up to when you were on
17 union leave.

18 Do you recall who took you off union leave?

19 A. David Jimenez.

20 Q. All right.

21 A. Is what I was told. I mean, I can't verify
22 that.

23 Q. All right. And when did he take you off union
24 leave?

25 A. March -- I can't remember. It was March 5th,

1 March 3rd, somewhere right in there. The beginning of
2 March.

3 Q. And was that of 2022?

4 A. Yes.

5 Q. And how were you notified of this?

6 A. By the LRA at my institution.

7 Q. And were you told the reason why you were
8 taken off union leave?

9 A. I was not.

10 Q. All right. I want to go back to the budget
11 meeting in December of '21, when the decision was made
12 to pay off the \$6 million.

13 Do you recall in that meeting talking about
14 the growth percentages, forecasting the growth
15 percentages for the membership for Local 1000?

16 A. Vaguely.

17 Q. So can you remember exactly, vaguely what you
18 remember from that?

19 THE HEARING OFFICER: That's a nonsensical
20 question.

21 MR. BROWN: All right. All right.

22 BY MR. BROWN:

23 Q. Do you recall how the staff -- how different
24 staff members treated me?

25 A. Absolutely.

1 Q. Can you please give us some examples?

2 THE HEARING OFFICER: Well, first -- your
3 first question was how were you treated.

4 MR. BROWN: I'm sorry.

5 BY MR. BROWN:

6 Q. All right. So how was I treated by staff
7 members?

8 A. Well, it depended on the day. It depended on
9 if you, you know, had something they really wanted, like
10 a raise that was coming up. Because during that point
11 in time when they wanted their money, man, they were
12 golden to you. They treated you great.

13 But then there was other times when you wanted
14 to start disciplining staff members for not doing their
15 jobs and start progressive discipline, which is where
16 all of this went completely sideways, staff members were
17 completely wrong to you. It was kind of all over the
18 board.

19 So, yeah, I saw staff members that treated you
20 very, very well when it was time for a raise. But
21 afterwards, I saw other staff members that should have
22 been continuing to treat you well kind of jump on sides
23 with, you know, some of the VPs and some of -- making
24 alliances with some of the members and some of those
25 other groups that are out there. And that -- you know,

1 that should have never happened. It shouldn't have been
2 allowed to take place.

3 Q. Do you recall when Theresa Gowdon became the
4 new assistant for Anica Walls and David Jimenez and
5 Irene Green?

6 A. I do.

7 Q. All right. And do you recall how that
8 situation came to be?

9 A. If I remember correctly, there was another --
10 I can't remember who it was -- there was kind of another
11 pick for the position or somebody that wanted that spot.
12 But Anica wanted Teresa. Teresa had worked, I believe,
13 in the same office as Anica but the state job. And so I
14 remember it was -- there was quite the heated battle
15 that took place in order for that to -- for Teresa to be
16 in there.

17 Q. And was the heated battle between me and
18 Anica, or was the heated battle between someone else?

19 A. It seems to me there was somebody else that
20 was involved in that. I'm trying to remember. It's
21 been a long time ago.

22 I want to say there was an issue that had
23 something to do with the chief of staff, Donna
24 Snodgrass, not wanting that position in there. But I
25 can't remember exactly what it was off the top of my

1 head.

2 Q. All right. I'm going to take a step back for
3 a moment. I want to make sure.

4 Do you have anything personally against
5 different union leaders in Local 1000?

6 A. No.

7 Q. All right. I'm going to start asking
8 questions about the March 5th incident. I'm going to
9 try to ask them without being leading, to the best of my
10 ability; so here we go.

11 What happened on March 5th, the civil
12 situation?

13 A. March 5th, so that would be the day that we
14 were there for a rally, a protest rally for them locking
15 people out of the building. They locked multiple people
16 out of the building and turned off emails and all kinds
17 of stuff. So we were down there to protest that.

18 We were setting up some stuff out front, we
19 were just getting started, and the janitor showed up.
20 And he went in and opened the front door. And I don't
21 even know. There was some commotion. Anyway, one of
22 the ladies that was there for the protest ran inside the
23 door and sat down. And I know that the janitor was
24 freaking out. He was in there screaming at her.

25 I didn't want to get involved in the

1 confrontation just because -- I just thought it was
2 going to be a bad idea anyway. But other women that
3 were there ran into the building and sat down next to
4 the first lady that went in because they were -- you
5 know, they were scared for her safety.

6 It stayed that situation until the police
7 came. They kind of got the janitor to calm down and got
8 him removed so he wasn't yelling at them anymore to get
9 out of the building, and they figured it out. But they
10 refused to give up the keys; so there was no way to
11 secure the front doors. So the best thing they came up
12 with -- I don't even remember who it was -- was to put
13 some chains on the front doors. I know there was a lot
14 of rumors about we had the building -- you know,
15 everybody locked out of the building, but there was
16 never a member locked out of the building. When other
17 members showed up, we unlocked it and let them in.
18 There was never a time where members were locked out or
19 employees were locked out, staff was locked out.

20 Q. All right. And we'll get to -- about the
21 doors here.

22 So I want to ask you this question: Was
23 anyone charged with criminal trespassing on that day?

24 A. No.

25 Q. Were there allegations that members were

1 trespassing in the building on March 5th, 2022?

2 A. There were. Well, I don't know if there was
3 allegations, per se, but there was a lot of, you know,
4 stuff on social media about it that was all, you know,
5 typical lies, things that weren't true. I talked to --
6 before ever entering the building, I talked with the
7 lieutenant or the PD that was there that day and learned
8 all the legalities of it before ever even entering the
9 building.

10 The other thing is, as far as the charges on
11 this go, they're saying you took over the building.
12 Well, that's funny because you weren't even there for
13 the first two hours of the entire incident. You weren't
14 even part of it. So I don't know -- get their facts
15 straight on that one.

16 Q. Do you recall how the media portrayed me --
17 portrayed me that day?

18 A. Talking about The Sacramento Bee? Yeah. They
19 always portrayed you in the same light, the worst
20 possible light they could portray you in.

21 Q. And can you elaborate on why you feel they
22 always portrayed me in the worst possible light?

23 THE HEARING OFFICER: I think you're asking
24 for speculation.

25 MR. BROWN: All right.

1 BY MR. BROWN:

2 Q. Can you give an example of how they portrayed
3 me before in the worst possible light?

4 A. Yeah. Well, I mean, Wes down at The
5 Sacramento Bee did an article where he went and got
6 information about you from your ex-wife. I'm pretty
7 sure any one of us that had an article written about us
8 based on what our ex had to say would not be in a good
9 light -- very few of us. So that's one way, yes.

10 Q. Okay. One moment.

11 Do you recall that day a conversation between
12 Chief Counsel Anne Giese and myself and a few other
13 members?

14 A. I do.

15 Q. Do you recall her stating that --

16 THE HEARING OFFICER: Objection. Leading.
17 Leading.

18 BY MR. BROWN:

19 Q. I'm sorry. Do you recall what she wrote in
20 that meeting -- about that meeting?

21 A. Well, I do recall what was wrote about it
22 while we were there, and then I'm trying to remember
23 what I read about it afterwards. It was just night and
24 day.

25 I know she put down on paper that she was

1 basically held hostage and made to write this paper and
2 everything else, which it just couldn't possibly be more
3 from the truth. It was her idea to come in. We all
4 walked in. There was an officer standing directly
5 outside the door, her door. And there was a couple of
6 other people there. I think Vince Green was standing
7 there. My wife was standing there, Keri Dean. There
8 was some people right outside of Anne's door.

9 So Anne asked for the door to be closed. I
10 closed the door. There was nowhere else to stand but in
11 front of the door because there was myself, Irene Green,
12 Richard Brown, Anne Giese obviously, Ron Rosson. I
13 believe that was it. So there wasn't a lot of room. It
14 was a small office. We were kind of crammed in there.

15 The conversation was that -- the problem here
16 that people don't see is that the conversation that
17 really took place in that office was Richard had it all
18 set up with Anne. Anne was supposed to go through and
19 suspend the three VPs two days prior to the suspension
20 of Richard Brown. But Anne didn't do that. Anne did
21 her own thing. And I was there. I witnessed part of
22 that that day, and I witnessed the entire situation two
23 days prior where Richard and I had a three-hour
24 conversation about whether to or not to suspend the VPs
25 with the current actions that were taking place.

1 So the fact that -- that was kind of put on
2 that paper that day and we discussed that. And then it
3 was discussed -- there was something else that was
4 discussed -- I don't know -- kind of -- had something to
5 do with the building and something was going to get
6 taken care of. Basically, we were finding a way to
7 squash all of this. And it never happened. As soon as
8 she left her office, she changed her entire story.
9 That's what I remember from that day.

10 Q. I want to ask. Do you recall in that
11 conversation -- maybe I can jog your memory -- in that
12 conversation --

13 THE HEARING OFFICER: Not with a leading
14 question.

15 MR. ANDONIAN: Objection. Leading.

16 THE HEARING OFFICER: Not with a leading
17 question.

18 BY MR. BROWN:

19 Q. All right. Do you recall in that conversation
20 anything about the security of that building?

21 A. The security of what?

22 Q. The security of the three Local 1000
23 buildings.

24 A. I remember there being a part of that
25 conversation. And that's what I was talking about. The

1 building was going to be secured. There was something
2 in the note about how the building was to be secured,
3 but I don't really remember what that was.

4 Q. Do you recall that -- on the March 5th civil
5 incident, do you remember that being reported in the
6 news?

7 A. I do.

8 Q. And do you recall how they portrayed that
9 incident?

10 A. It's kind of funny because in Wes's article,
11 he talked about how the people that took possession of
12 the building removed articles. They removed pictures.
13 They removed personal items and everything else. But in
14 that same article, he took a picture of the people that
15 came in for Anica Walls and were removing art out of her
16 office and everything else. It wasn't even the people
17 that took over the building. It was a completely
18 different set of members they have pictures of removing
19 things from the building.

20 His article is great. It really contradicts
21 itself. Because the picture says one thing, if you know
22 who the people are in the picture, where the article
23 says something completely different.

24 Q. What confusion was caused with membership over
25 the March 5th civil incident?

1 MR. ANDONIAN: Objection. Leading.

2 THE HEARING OFFICER: It has not been
3 established that there is. It's a leading question.
4 BY MR. BROWN:

5 Q. All right. From the March 5th civil incident,
6 how did membership respond to that?

7 A. I think it was really split as far as how the
8 membership responded to it. How the membership
9 responded to -- you know, I think what the membership
10 responded to more than anything was this HR1 process,
11 much more so than the -- taking over of a building was
12 just kind of a symbolic statement of "Hey, we don't
13 agree. We're the members. Quit this. You're not going
14 to steal our union from us."

15 You know, I don't know that that had a huge
16 affect on the members at all as far as -- you know, as
17 far as the 5th through the 10th where they're saying,
18 you know, well, they couldn't represent. Well, all of
19 our staff had been teleworking for months prior to that.
20 It didn't affect anything the way business was done.

21 So as far as the membership being affected
22 that way, if you're asking that, there was zero effect
23 on the membership as far as, you know, the building
24 being, you know, taken, as they say, even though it
25 wasn't taken. It was just occupied by members that,

1 when they showed up, when anybody else showed up, the
2 chains were taken off the doors. The chains were only
3 on the doors for the one -- sorry. I kind of went down
4 a rabbit hole there, but it all ties together.

5 Q. Was there any confusion caused by this?

6 A. For the members? Sure. They didn't know who
7 the president was. They didn't know who to go to.
8 There was, you know, certain groups that felt like --
9 there was a very large group that -- you know, all the
10 people that voted for you that have, you know, just felt
11 like they've been cast out, they don't even matter.

12 I mean, I know there has been a huge divide.
13 And, yeah, your supporters feel very slighted by SEIU
14 1000.

15 Q. So let me ask you this question: Do you have
16 any personal motivation for being here today?

17 A. None.

18 Q. Since you were a DLC president at that time of
19 the incident, the civil incident on March 5th, do you
20 know what confusion it caused within your DLC?

21 A. Once again, I don't think it was necessarily
22 that -- you know, the incident of you being wrongly
23 suspended and our union being taken over by the group
24 that has done so has done much more damage. I know I
25 lost -- I don't know what the numbers were, but I know

1 that my -- I was losing members every single day for
2 quite a while after that. They stopped sending me the
3 emails after I resigned.

4 And I resigned for the same thing. I'm not
5 going to -- I'm not going to sit back and give my money
6 to a group of people that are using it to do this to
7 you, the duly elected president on his back fighting --

8 MR. ANDONIAN: Objection. This is
9 nonresponsive.

10 THE HEARING OFFICER: I believe we're going
11 beyond the question.

12 BY MR. BROWN:

13 Q. So I want to go back. When you said the
14 people who voted for me were upset, when I asked you
15 about did you have any personal motivation, did you vote
16 for me as president?

17 A. I did not.

18 Q. So is it clear to say that not everyone who
19 was supporting the idea of democracy voted for me as
20 president?

21 MR. ANDONIAN: Objection. Leading.

22 THE HEARING OFFICER: Leading question.

23 MR. BROWN: All right. Hold on one moment.

24 BY MR. BROWN:

25 Q. On the March 5th incident, civil incident, do

1 you recall who was leading this protest?

2 A. I believe so, yes.

3 Q. After I was elected, do you recall membership
4 going up?

5 THE HEARING OFFICER: I'm sorry?

6 MR. ANDONIAN: It's leading, but --

7 MR. BROWN: I'm sorry. So let me rephrase it.

8 BY MR. BROWN:

9 Q. After I was elected, how did that affect
10 membership?

11 A. The membership was going up, absolutely.
12 Members were excited. We spent a lot of time on the
13 road out -- inside institutions and prisons and talking
14 to members. I've been a member of SEIU up until
15 recently for the last ten years, and I'd never seen
16 members excited like they were. And now I've never seen
17 them as upset as they are.

18 Q. From your experience from working with me, did
19 I appear to be --

20 THE HEARING OFFICER: Leading.

21 BY MR. BROWN:

22 Q. From your personal knowledge, when did
23 membership go down?

24 THE HEARING OFFICER: Asked and answered.

25 ///

1 BY MR. BROWN:

2 Q. Did you personally gain anything from the
3 March 5th civil incident?

4 A. No. I had nothing to gain from that.

5 Q. All right. From your personal knowledge, did
6 other protesters on March 5th -- did they gain anything
7 personally from that incident?

8 THE HEARING OFFICER: Speculative. Can't know
9 what's in somebody else's mind.

10 BY MR. BROWN:

11 Q. All right. From your conversation with the
12 other protesters, what did that conversation entail?

13 A. Oh, I -- that's a wide-open question there.
14 There was a lot of conversations that took place.

15 The people were there to make a statement
16 about we've had enough of our union being stolen and run
17 by these regimes that are doing what they're doing right
18 now. That was why those people went up there that day.
19 They were tired of, you know, the red tape, politic crap
20 and them stealing our union over and over again. It was
21 the exact same way under the last leadership. It's the
22 same way now as it was. The only change we had was a
23 short change when were you in there and actually making
24 a difference that was going to affect the workers. Now
25 we're back to a social rights club.

1 Q. Did the Local 1000 board of directors, those
2 members on the board, did they ever share their opinions
3 with you about March 5th?

4 A. A handful of them.

5 Q. And do you remember what they said?

6 A. A lot of it was more them reaching out just
7 showing support, letting us know if they needed
8 anything, they were there kind of thing.

9 Q. Okay. Were you aware of the UAW Local 2350,
10 of their protest?

11 A. Yes.

12 Q. Do you remember what they were protesting
13 about?

14 A. Yeah, I do. I remember what they were truly
15 protesting about was -- it all came down to -- like I
16 said, that was when you were trying to hold the workers
17 responsible for their actions. And when they didn't do
18 what they were supposed to do or did things they weren't
19 supposed to do, you wanted to start some sort of process
20 of being able to remove these people. Because we
21 have -- you know, we do have people that work for SEIU
22 that have been there way too long that do absolutely
23 nothing.

24 So you wanted to start the process of, you
25 know, writing these people up and getting that moving.

1 And as soon as you went and sat down -- I was there that
2 day -- Leslie Uko lost her mind. Joyce
3 Thomas-Villaronga lost her mind. There was a huge
4 yelling match. And the next thing we know, they're
5 showing up and they're protesting. It was all part of
6 the coup.

7 Q. So when you say "coup," what exactly do you
8 mean?

9 THE HEARING OFFICER: I'm not going to accept
10 that characterization. Please don't characterize. I
11 need facts.

12 BY MR. BROWN:

13 Q. So what are the facts regarding this attempt
14 to remove me from office, Mr. Dean?

15 MR. ANDONIAN: Objection. Vague.

16 THE HEARING OFFICER: Sustained.

17 BY MR. BROWN:

18 Q. Were you aware of a conversation on April 20
19 of 2022, about a statement made by DLC 772 president
20 Mary De La Cruz?

21 A. I am. I'm aware that she had a
22 conversation -- she was part of a conversation that, I
23 believe, some of the -- a couple of the VPs and some
24 other -- the board of directors members were on that was
25 trying to figure out the easiest way to remove you so

1 that they could gain power the same way they were trying
2 to do with Yvonne Walker when she was in there. And I
3 believe that conversation, as odd as it is -- here we
4 are sitting here today -- one of the ways of removing
5 you is through the HR1 process.

6 Q. Do you recall ever hearing other conversations
7 about trying to remove me from office?

8 A. I remember hearing about conversations. I
9 wasn't directly part of those conversations. There is a
10 lot of rumors.

11 Q. All right. Did Local 1000 have to use
12 significant financial resources on March 5th?

13 MR. ANDONIAN: Objection. Leading.

14 THE HEARING OFFICER: Leading question.

15 BY MR. BROWN:

16 Q. Regarding the protesting, from your
17 recollection, did I stop UAW 2350 from protesting?

18 A. No.

19 Q. Do you have anything personally against the
20 Local 1000 staff?

21 A. No.

22 Q. Do you have anything personally against any of
23 our union leaders at Local 1000?

24 A. No.

25 Q. Do you remember anything the Local 1000 board

1 put out or Local 1000 put out about the March 5th civil
2 incident?

3 A. Vaguely. But it's been so long, I don't
4 remember the exact details of it. I know there was a
5 lot of jargon that was put out there. But like I said,
6 I don't remember how much of it I read on -- you know,
7 people posting stuff on Facebook and exactly what was
8 put out by SEIU on it.

9 Q. From your recollection and personal knowledge,
10 were there any individuals who felt the staff should not
11 have been protesting outside the headquarters building?

12 A. Was there anybody that felt they shouldn't
13 have been? Can you restate your question?

14 Q. Yes. Were you aware of any individuals who
15 felt the staff should not have been protesting outside
16 the headquarters building?

17 A. Absolutely.

18 Q. Do you remember who those individuals were?

19 A. Well, I'd be one of them. There was no reason
20 for them to be protesting outside the building. These
21 people had just gotten a 17 percent raise, and all that
22 you were asking was them to do their job. And the
23 president of UAW had a meltdown because you wanted them
24 to do their job and hold them responsible if they didn't
25 get their job done.

1 Q. Did I allow -- UAW Local 2350, did I allow
2 them to peacefully protest?

3 THE HEARING OFFICER: Asked and answered.

4 MR. ANDONIAN: Asked and answered.

5 BY MR. BROWN:

6 Q. Do you remember ever having any conversation
7 about me allowing union leave up to \$2 million worth?

8 MR. ANDONIAN: Objection. Leading.

9 THE HEARING OFFICER: Sustained.

10 BY MR. BROWN:

11 Q. Do you remember any conversation regarding my
12 authorization of union leave?

13 A. I remember certain conversations.

14 Q. Did they entail any type of great financial
15 value?

16 A. No.

17 Q. Okay. Was there any type of dispute over the
18 terms of my, quote, "disputed suspension"?

19 A. Can you repeat that? I'm trying to
20 understand.

21 Q. I said was there any type of dispute over the
22 terms of my, quote, "disputed suspension"?

23 MR. ANDONIAN: Objection. Vague.

24 THE HEARING OFFICER: You'll have to rephrase.

25 ///

1 BY MR. BROWN:

2 Q. All right. Do you recall my behavior at
3 Local 1000 board meetings?

4 A. I do.

5 Q. Do you recall my behavior on my Wednesday
6 night calls?

7 A. Most of them. There was a lot of them. But,
8 yes, I do, overall.

9 Q. All right. Do you recall how members treated
10 me on --

11 THE HEARING OFFICER: We've been over this.
12 Asked and answered.

13 BY MR. BROWN:

14 Q. What other behaviors did you observe at the
15 Local 1000 board meetings?

16 A. From you or other members? I mean, am I
17 allowed to ask that?

18 THE HEARING OFFICER: If you don't understand
19 the question, you can certainly ask for clarification.

20 THE WITNESS: Behaviors -- behaviors from
21 other members?

22 MR. BROWN: Yes.

23 THE WITNESS: Their conduct -- lots of them,
24 their, you know, abusive conduct towards you, wanting to
25 abuse the Robert's Rules of --

1 THE HEARING OFFICER: This witness has
2 testified to this already. This is already in the
3 record from this witness.

4 BY MR. BROWN:

5 Q. Did you believe I was still the Local 1000
6 president on March 5th?

7 MR. ANDONIAN: Objection. Relevance.

8 THE HEARING OFFICER: I'm going to sustain the
9 objection. That's what this proceeding is about.

10 BY MR. BROWN:

11 Q. Okay. So who did you believe was still the
12 leader of Local 1000 on March 5th and 6th?

13 MR. ANDONIAN: Same objection.

14 THE HEARING OFFICER: Still irrelevant.
15 That's what this proceeding is about, Mr. Brown. Move
16 on, please.

17 BY MR. BROWN:

18 Q. Okay. After you spoke to members, who did
19 they believe was in charge of the union on March 5th and
20 6th?

21 THE HEARING OFFICER: Mr. Brown, same
22 objection.

23 MR. BROWN: All right. That's all the
24 questions I have.

25 THE HEARING OFFICER: Cross-examination.

1 MR. ANDONIAN: Thank you.

2 CROSS-EXAMINATION

3 BY MR. ANDONIAN:

4 Q. Mr. Dean, you said on direct that the protest
5 at the union headquarters on March 5th was prompted by
6 certain people being locked out of the building and
7 having email cut off; is that right?

8 A. That's correct.

9 Q. And Mr. Brown was one of those people; right?

10 A. That's correct.

11 Q. You were asked a question about who was
12 leading the protest, and I don't believe you ever
13 answered that.

14 Who was leading the protest?

15 A. I believe it was Ebie Lynch.

16 Q. You were there yourself; correct?

17 A. I was.

18 Q. And it sounds like from your testimony that
19 you were privy to a lot of the discussions that were
20 happening that day amongst the protesters, staff, sounds
21 like even the general counsel.

22 Is that fair to say?

23 A. Yes.

24 Q. And around that time, I think you testified
25 that you were involved in almost every conversation that

1 Mr. Brown was having; is that right?

2 A. I was involved in -- I was heavily involved in
3 a lot of the meetings that were taking place at SEIU
4 headquarters at that time.

5 Q. Okay. And I think you said the reason for
6 that was because the writing was on the wall with
7 respect to what was happening against Mr. Brown?

8 A. That's correct.

9 Q. You knew about the protest, obviously, before
10 it was scheduled to happen on March 5th; right?

11 A. Yes.

12 Q. And that came up in conversation prior to
13 March 5th with Mr. Brown; right?

14 A. I don't recall.

15 MR. ANDONIAN: I don't have anything further.
16 Thank you.

17 THE HEARING OFFICER: Any further questions of
18 the witness?

19 MR. BROWN: I'm sorry. I forgot I had asked
20 him the questions.

21 No, I don't have any further questions.

22 THE HEARING OFFICER: Thank you, Mr. Dean.
23 You're excused.

24 THE WITNESS: Thank you.

25 THE HEARING OFFICER: Mr. Brown, call your

1 next witness.

2 MR. BROWN: Keri Dean.

3 MR. DEAN: I'll step out of the room. Give me
4 a minute.

5 THE HEARING OFFICER: Thank you.

6 Ms. Dean, my name is Homer La Rue, and I am
7 the hearing officer. I'm going to ask, first of all,
8 everyone to introduce themselves. And then I'll have a
9 few instructions, and then we'll get underway. All
10 right?

11 Ms. Grdina will introduce herself as part of
12 the hearing officer team.

13 MS. GRDINA: Hello. This is Betty Grdina.
14 I'm the neutral case adviser.

15 THE HEARING OFFICER: And Mr. Andonian.

16 MR. ANDONIAN: Good afternoon. My name is
17 Phil Andonian. I represent Anica Walls, the charging
18 party in these proceedings.

19 THE HEARING OFFICER: Ms. Walls.

20 MS. WALLS: Hi, Keri. Vice president for
21 representation and organizing, Anica Walls, present.

22 THE HEARING OFFICER: Mr. Brown, you and your
23 team.

24 MR. BROWN: Yes. Richard Louis Brown.

25 THE HEARING OFFICER: Mr. Roque.

1 MR. ROQUE: Good afternoon, Ms. Dean. Derick
2 Roque, assistant to President Brown.

3 THE HEARING OFFICER: Ms. Lynch.

4 MS. LYNCH: Good afternoon, Ms. Dean. Ebie
5 Lynch, assistant to President Brown.

6 THE HEARING OFFICER: Ms. Dean, this matter is
7 being reported by a court reporter, Ms. Davis, who will
8 introduce herself.

9 THE REPORTER: Good afternoon, Ms. Dean. Rose
10 Davis, court reporter.

11 THE HEARING OFFICER: Ms. Davis [sic], are you
12 in a space where no one can hear your testimony?

13 MS. DEAN: Yes.

14 THE HEARING OFFICER: So there is no one there
15 with you?

16 MS. DEAN: Not in this room.

17 THE HEARING OFFICER: All right. Do you have
18 any documents in front of you?

19 MS. DEAN: No.

20 THE HEARING OFFICER: In a few minutes, I'm
21 going to ask you to take an oath or an affirmation with
22 regard to your testimony. Before that, let me explain
23 to you what's going to happen.

24 Mr. Brown is going to ask you some questions
25 on what we call direct examination. During that time,

1 Mr. Andonian may object to some question or form of
2 question that Mr. Brown asks. If that happens, you're
3 to cease answering the question until I have determined
4 that it's appropriate for you to answer the question.

5 Do you understand?

6 MS. DEAN: Mm-hmm.

7 THE HEARING OFFICER: Following that direct
8 examination, Mr. Andonian will be asking you questions
9 on what we call cross-examination. Same process. If
10 Mr. Brown has an objection, cease answering the question
11 until I've ruled on the objection.

12 Do you understand?

13 MS. DEAN: Mm-hmm.

14 THE HEARING OFFICER: Do you have any
15 questions?

16 MS. DEAN: No.

17 THE HEARING OFFICER: Very well. Would you
18 please raise your right hand to be sworn in. Do you
19 swear or affirm that the testimony you're about to give
20 in this proceeding will be the truth and the whole
21 truth?

22 THE WITNESS: Yes.

23 THE HEARING OFFICER: Thank you.

24 KERI DEAN,
25 called as a witness on behalf of the Charged Party

1 Brown, was sworn and testified as follows:

2 THE HEARING OFFICER: Mr. Brown, proceed.

3 DIRECT EXAMINATION

4 BY MR. BROWN:

5 Q. Hi, Keri.

6 A. Hello.

7 Q. So my first question is, were you a member of
8 the Local 1000 budget committee?

9 A. Yes.

10 Q. Did you attend the December 2021 budget
11 committee meeting?

12 A. Yes.

13 Q. Do you recall what was discussed in that
14 meeting?

15 A. About paying off one of the loans.

16 Q. Do you recall how much the loan was?

17 A. No.

18 Q. Do you recall how that decision was made?

19 A. Mr. -- it was the financial officer, Denye, I
20 think his name was. He told us about it. I know for
21 myself, I wasn't real familiar with, you know, what it
22 would do for the SEIU. So Denye explained to us how it
23 would benefit us by paying the loan off. So I -- yeah.
24 Denye educated us on, you know, the benefits of paying
25 it off.

1 Q. And do you recall who voted to pay the
2 building -- pay off these three buildings?

3 A. I think all of us voted for it.

4 Q. Do you recall any type of gross financial
5 malfeasance --

6 A. No.

7 THE HEARING OFFICER: Leading. Leading
8 question, Mr. Brown.

9 BY MR. BROWN:

10 Q. Did you observe any type of gross financial
11 malfeasance since May of 2021?

12 THE HEARING OFFICER: Mr. Brown, same
13 question. Same objection.

14 BY MR. BROWN:

15 Q. Do you recall me verbally saying, "Yes, I am
16 voting to pay off the \$6 million on those three
17 buildings owed"?

18 THE HEARING OFFICER: Mr. Brown, you're doing
19 it again. You're putting the answer to the question
20 into your question. The answer you're looking for is in
21 your question. That's a leading question. How, when,
22 where, what, why -- start the sentence that way. You're
23 less likely to ask a leading question.

24 BY MR. BROWN:

25 Q. Do you remember when I voted yes to pay off --

1 THE HEARING OFFICER: You did it.

2 MR. BROWN: Because I put the "do" in front of
3 the "when"?

4 THE HEARING OFFICER: Yes.

5 MR. BROWN: Okay. Okay.

6 BY MR. BROWN:

7 Q. When did you observe my interactions with the
8 chief of staff?

9 THE HEARING OFFICER: That was not a leading
10 question.

11 MR. BROWN: Thank you.

12 THE WITNESS: So do I answer that?

13 THE HEARING OFFICER: You may.

14 THE WITNESS: Okay. On a daily basis I'd seen
15 you in there with her.

16 BY MR. BROWN:

17 Q. From your personal knowledge, did you think
18 that my chief of staff was supporting --

19 THE HEARING OFFICER: You're doing it.

20 MR. BROWN: That's a leading question?

21 THE HEARING OFFICER: That's a leading
22 question.

23 BY MR. BROWN:

24 Q. What did you observe in my interactions with
25 my chief of staff?

1 THE HEARING OFFICER: That's not a leading
2 question.

3 Ms. Dean, you may answer that question.

4 THE WITNESS: My opinion on that was -- is
5 that she was there on a different agenda. She wasn't
6 there for us, for the members of SEIU. She had her own
7 agenda, that she wanted to settle some type of a score.
8 I guess there was issues way before we even came --
9 before I was a member. So she wasn't there in the best
10 interests of any of us or you, in my opinion.

11 THE HEARING OFFICER: Ms. Dean, you're a fact
12 witness. That means that Mr. Brown has called you
13 because you have some facts that would be supportive of
14 his defense. Facts are not opinion.

15 THE WITNESS: Okay.

16 THE HEARING OFFICER: So what I'm looking for
17 are facts that you have personally observed and you can
18 relate to us. Okay?

19 THE WITNESS: I mean --

20 THE HEARING OFFICER: And if you can't, that's
21 okay too.

22 Mr. Brown, proceed.

23 BY MR. BROWN:

24 Q. So can I ask the question like this: What
25 facts can you tell me regarding what you observed of my

1 relationship with the Local 1000 staff?

2 THE HEARING OFFICER: Great question.

3 MR. BROWN: Okay.

4 THE WITNESS: I think you had a good
5 relationship with the staff. I didn't see that there
6 was an issue. The only time there was issues is when
7 they didn't get what they wanted as kind of like Donna
8 Snodgrass. When she wanted you to hire Joyce
9 Thomas-Villaronga as the assistant chief of staff and
10 you said no, then that's when she went over to Anica and
11 you'd start seeing her there every morning in Anica's
12 office. That's when it all started. That's when it
13 went south. So yeah.

14 BY MR. BROWN:

15 Q. And what is the position of Joyce
16 Thomas-Villaronga for Local 1000?

17 A. I believe she's a union rep and the president
18 of their union.

19 Q. All right. Can you give me another factual
20 example of, quote, "when the staff decided they weren't
21 going to support me anymore"?

22 A. No. Not right off the top of my head.

23 Q. All right. Can you give me a factual
24 example -- can you give me a factual example of how the
25 Local 1000 board of directors treated me during board

1 meetings?

2 A. I wasn't part of the board meetings.

3 Q. So let me clarify. Every board meeting that I
4 did was up on Facebook. It was going live so you were
5 able to observe it.

6 Were you able to observe the board meetings on
7 Facebook?

8 A. Yes.

9 Just rude, disrespectful, interrupting,
10 challenging you.

11 Q. All right. I'm going to go to March 5th.

12 What is your recollection of March 5th, 2022?

13 A. We were asked to come down for a protest by
14 Ms. Lynch. There was some nurses that were -- my
15 understanding, was putting a rally together in support
16 of you being locked out or out of your position. So we
17 came up from Lassen County because they supported us,
18 and so we felt like that's what we should do as members
19 is come help each other.

20 We came. We were just outside setting up some
21 tables, I remember. I remember hearing some -- I don't
22 know -- loud voices from this janitor guy. I turned
23 around, and I'd seen that Ms. Lynch had went in the
24 building. And he was screaming at her, threatening her,
25 telling her he was going to drag her out of the

1 building.

2 So myself and I can't remember the other
3 ladies' names, but we went in the building because we
4 were afraid for her. We were afraid he was going to put
5 hands on her. They were in there by themselves. So we
6 went in behind her is what I -- that's what I remember.

7 Q. Was anyone charged with criminal trespassing
8 that day?

9 A. No. The officer said that wasn't trespassing.

10 Q. Did you have anything personally to gain from
11 the March 5th civil incident?

12 A. No.

13 Q. Do you have any personal animosity against
14 Local 1000 members?

15 A. No.

16 Q. Do you have any personal animosity against
17 Local 1000 staff?

18 A. No.

19 Q. What have you observed with the media
20 regard -- what have you observed with the media and its
21 portrayal of my leadership?

22 A. I think they've painted a horrible picture.
23 Mr. Wes at The Sacramento Bee has just reported
24 unfactual stuff.

25 Q. The protest on March 5th, to your knowledge,

1 was that scheduled to be outside or inside? Or do you
2 remember?

3 A. I was told it was outside. I didn't plan it.
4 We were just asked to come. So my understanding, it was
5 outside.

6 Q. Okay. From the March 5th incident, what is
7 your recollection of the meeting that I had with Chief
8 Counsel Anne Giese?

9 MR. ANDONIAN: Objection. Leading.

10 THE HEARING OFFICER: And there is nothing in
11 the record that establishes that this witness knows
12 anything about that. She hasn't testified she was part
13 of such a meeting.

14 MR. BROWN: All right.

15 THE HEARING OFFICER: No groundwork for that
16 question.

17 BY MR. BROWN:

18 Q. Were you aware of any meetings I had on
19 March 5th with any Local 1000 staff?

20 A. I know that you had the meeting with Anne
21 Giese because I stood out the door with the officer --
22 two of the officers, actually. We knew you were in that
23 meeting.

24 THE HEARING OFFICER: I'm sorry. I need a
25 clarification. You said you stood out the door?

1 THE WITNESS: Outside Anne Giese's door.

2 THE HEARING OFFICER: Thank you.

3 THE WITNESS: With the two officers.

4 THE HEARING OFFICER: Thank you. So you were
5 not in the office?

6 THE WITNESS: No. They had the door shut.

7 THE HEARING OFFICER: Thank you.

8 BY MR. BROWN:

9 Q. Was Anne Giese able to peacefully enter and
10 exit the building on March 5th?

11 A. Yes.

12 Q. What is your recollection of Local 1000
13 membership and its treatment of me since I was elected
14 president?

15 A. I know with our DLC -- I can speak for our
16 DLC -- that they aren't happy. They weren't happy with
17 the way you were being treated.

18 Q. Can you please elaborate why they weren't
19 happy with the way I was being treated?

20 A. Well, they voted for you. They wanted who
21 they voted for in that seat. They liked what you had to
22 say. They liked the change. They liked what you were
23 doing for them.

24 Q. Can you give examples of -- when you said they
25 liked what I was saying and what I wanted to do for

1 them, can you give examples of that?

2 A. They liked your ideas, your open-door policy.
3 They could call you at any time. They could come in the
4 office anytime. They liked your idea for the "no
5 strike" clause. They liked the 21 percent pay increase
6 across the board. That's probably the biggest.

7 Q. All right. Are you aware -- or do you have
8 knowledge of the political makeup of your DLC?

9 A. No.

10 Q. What is your recollection of -- when I
11 suspended the duties of the three vice presidents, what
12 is your recollection of, when that happened, how that
13 affected the union?

14 THE HEARING OFFICER: It hasn't been
15 established that this witness knows anything about that.

16 MR. BROWN: I'm sorry.

17 BY MR. BROWN:

18 Q. So were you aware that the three vice
19 presidents' duties were suspended on February 25th,
20 2022?

21 A. I don't recall.

22 MR. BROWN: Okay. Those are all the questions
23 I have.

24 THE HEARING OFFICER: Cross-examination.

25 MR. ANDONIAN: I have no questions. Thank

1 you.

2 THE HEARING OFFICER: Thank you, Ms. Dean. I
3 appreciate your time today.

4 THE WITNESS: Okay. Thank you.

5 MR. BROWN: Thank you.

6 THE HEARING OFFICER: Mr. Brown, when is your
7 next witness scheduled?

8 MR. BROWN: 4:30.

9 THE HEARING OFFICER: So we have an hour and a
10 half -- an hour and ten minutes before the next witness.
11 Keep in mind we're closing at 6:00.

12 THE REPORTER: Before everyone leaves, can I
13 get some help on spellings?

14 (Discussion off the record.)

15 THE HEARING OFFICER: So your witness is
16 scheduled at 4:30. Recessed until then.

17 MR. BROWN: Thank you.

18 (Break taken, 3:22 p.m. to 4:29 p.m.)

19 (Mr. Roque and Ms. Lynch not present.)

20 THE HEARING OFFICER: Are Mr. Roque and
21 Ms. Lynch coming?

22 MR. BROWN: Yes.

23 THE HEARING OFFICER: Can we start and they'll
24 catch up with us?

25 MR. BROWN: Yes.

1 THE HEARING OFFICER: I see that Ms. Guzman is
2 in the waiting room. I'm going to admit her now.

3 Ms. Lynch is coming in.

4 Ms. Guzman, can you hear me? Can you come on
5 video and audio, please.

6 Dr. Guzman, are you there?

7 (Ms. Lynch now present.)

8 MS. GUZMAN: Can you guys hear me?

9 THE HEARING OFFICER: Yes. Dr. Guzman, we can
10 hear you.

11 MS. GUZMAN: All right. Thank you. Sorry for
12 the issue.

13 THE HEARING OFFICER: Are you driving?

14 MS. GUZMAN: Yes, I am, sir.

15 THE HEARING OFFICER: That's not an ideal way
16 to do this. I'm a little concerned about your safety.

17 MS. GUZMAN: If you'd like me to pull over,
18 I'm fine with that.

19 THE HEARING OFFICER: I would prefer, yes, if
20 you would. Thank you.

21 MS. GUZMAN: Okay. That's fine. Just give me
22 one second.

23 All right.

24 THE HEARING OFFICER: Okay. Thank you for
25 joining us. My name is Homer La Rue, and I'm the

1 hearing officer for this matter. Ms. Grdina will
2 introduce herself. She is also associated with the
3 hearing of this matter.

4 MS. GRDINA: Hello, Dr. Guzman. My name is
5 Betty Grdina. I'm the neutral case adviser.

6 THE HEARING OFFICER: Mr. Andonian will
7 introduce himself as well as the charging party in this
8 matter.

9 MR. ANDONIAN: Hi. Good afternoon. My name
10 is Phil Andonian, and I represent the charging party,
11 Anica Walls, who is also present.

12 MS. WALLS: Hi, Ms. Guzman. Anica Walls, vice
13 president for representation and organizing.

14 MS. GUZMAN: Hello.

15 THE HEARING OFFICER: Mr. Brown will introduce
16 himself and his team.

17 MR. BROWN: Richard Louis Brown.

18 MR. ROQUE: Good afternoon, Ms. Guzman.
19 Derick Roque, assistant to President Brown.

20 MS. GUZMAN: Nice to see you again.

21 THE HEARING OFFICER: Ms. Lynch, are you with
22 us?

23 MS. LYNCH: Sorry. Ebie Lynch, assistant to
24 President Brown.

25 THE HEARING OFFICER: All right, Ms. Guzman.

1 I take it that, since you're in your car, I need to ask
2 the routine questions. The first one is going to seem a
3 little absurd.

4 First of all, let me introduce you to the
5 court reporter. Your testimony will be reported by a
6 court reporter.

7 Ms. Davis, would you please identify yourself
8 for the witness.

9 THE REPORTER: Good afternoon, Dr. Guzman.
10 Rose Davis, court reporter.

11 MS. GUZMAN: Nice to meet you.

12 THE HEARING OFFICER: Ms. Guzman, do you have
13 any documents related to this matter with you?

14 MS. GUZMAN: No, I do not.

15 THE HEARING OFFICER: Do you have any
16 documents on a device related to this matter?

17 MS. GUZMAN: No, I do not.

18 THE HEARING OFFICER: All right. In a few
19 moments, I'm going to swear you in or you're going to
20 take an affirmation, but let me explain to you what's
21 going to happen.

22 Mr. Brown is going to ask you questions on
23 direct examination. During the course of that direct
24 examination, Mr. Andonian might object to a question
25 that is framed by Mr. Brown. If he does that, please

1 cease answering the question until I have made a ruling
2 on your ability to answer that question.

3 After Mr. Brown has finished his direct
4 examination, Mr. Andonian will have an opportunity to
5 cross-examine. And Mr. Brown may have an objection to a
6 question that Mr. Andonian asks, and the same process
7 will be followed.

8 Do you understand how we're proceeding?

9 MS. GUZMAN: Yes, I understand.

10 THE HEARING OFFICER: Very well. Would you
11 raise your right hand, please, to be sworn in.

12 Do you swear or affirm that the testimony
13 you're about to give in this proceeding will be the
14 truth and the whole truth?

15 THE WITNESS: Yes, so help me God.

16 THE HEARING OFFICER: Thank you.

17 BARBARA GUZMAN,
18 called as a witness on behalf of the Charged Party
19 Brown, was sworn and testified as follows:

20 THE HEARING OFFICER: Mr. Brown, proceed.

21 MR. BROWN: Yes. Thank you.

22 DIRECT EXAMINATION

23 BY MR. BROWN:

24 Q. So, Dr. Guzman, did I hold board meetings for
25 Local 1000?

1 A. Yes, to my knowledge, you did.

2 Q. What was the atmosphere like at these board
3 meetings?

4 THE HEARING OFFICER: You need to establish
5 her presence.

6 MR. BROWN: I'm sorry.

7 BY MR. BROWN:

8 Q. Did you -- were you able to attend these board
9 meetings?

10 A. I believe that -- if I recall correctly, that
11 I attended board meetings either via my telephone or my
12 computer. But I was an observer.

13 Q. All right. And what was the atmosphere like
14 at these board meetings?

15 A. The one -- the one that I can recall -- well,
16 okay. So the atmosphere depended on the meeting. I do
17 recall your efforts at transparency, which was good. I
18 do recall some tense moments where perhaps, if I
19 remember correctly, there were some people -- I don't
20 know exactly who -- trying to derail the presentation or
21 the meeting by phones ringing off the hook. It been a
22 while; so I'm trying to recall accurately.

23 So I would have to say it varied between
24 informative and tense.

25 Q. All right. When you said that there were

1 calls ringing off the hook to derail the meeting, did I
2 still continue to have the meeting even though they were
3 trying to derail it?

4 A. Yes. To my recollection, from what I
5 observed, so for the time that I was on observing, you
6 did your best to continue with the meeting.

7 Q. All right. And I'm going to clarify this.
8 You said you don't remember the people who were trying
9 to derail the meeting, but they were board members?

10 A. I don't know. I don't know if they were board
11 members because I was just an observer.

12 Q. Okay. Was business conducted at these
13 meetings, these board meetings?

14 A. I believe yes. Probably -- yes. So the
15 meeting that I have the most recollection of was
16 something to do with membership and budget. And like I
17 said, it's been a very long time; so I don't recall if
18 these were two separate meetings or they were all in the
19 same meeting. But these are business items, membership
20 and budget; that's business.

21 Q. All right. What do you remember about how the
22 media has portrayed me?

23 A. About how the media has portrayed you?

24 MR. ANDONIAN: Objection as to foundation.
25 It's also cumulative at this point of multiple

1 witnesses, and it's barely relevant.

2 THE HEARING OFFICER: Sustained. Let's move
3 on, Mr. Brown.

4 BY MR. BROWN:

5 Q. All right. Do you recall me ever calling
6 board meetings "training meetings"?

7 A. I do not recall that.

8 Q. Do you recall me ever abusing Local 1000
9 leaders?

10 A. Abusing them?

11 Q. Yes.

12 A. I do not recall that.

13 Q. Do you recall Local 1000 leaders abusing me?

14 A. I recall -- yes. So I recall a written
15 statement that you put out through SEIU stating that
16 somebody had told you to eat a dick. I consider that
17 abusive.

18 MR. BROWN: All right. That's it. That's all
19 the questions I have.

20 THE HEARING OFFICER: Mr. Andonian.

21 MR. ANDONIAN: Nothing, Your Honor. Thank
22 you.

23 THE HEARING OFFICER: Dr. Guzman, thank you
24 for your time. Drive carefully.

25 THE WITNESS: You're welcome.

1 THE HEARING OFFICER: Mr. Brown, your next
2 witness.

3 MR. BROWN: I was not able to contact my next
4 witness; so that ends all of my witnesses.

5 THE HEARING OFFICER: Very well.

6 Is there a rebuttal case by the charging
7 party?

8 MR. ANDONIAN: There is nothing further from
9 us at this time.

10 THE HEARING OFFICER: Very well.

11 Hearing testimony having been taken, here's
12 the schedule for briefing for this matter.

13 Both briefs are to be simultaneously filed and
14 served on or before November 23, 2022. You will have
15 the transcript by Wednesday this week at the latest,
16 this coming week.

17 I'd remind both parties --

18 Yes, Mr. Brown.

19 MR. BROWN: Can I verify that Wednesday is
20 November 2nd?

21 THE HEARING OFFICER: That is correct. That
22 is an expedited transcript.

23 I will remind both parties that the record is
24 complete, that if you're going to cite anything, it must
25 be already in the record. No new documents, no new

1 exhibits are to be attached to briefs.

2 MR. ANDONIAN: Mr. La Rue, may I ask one
3 clarifying question on that?

4 THE HEARING OFFICER: Yes.

5 MR. ANDONIAN: To the extent that we wish to
6 cite a document that was submitted in the Guss matter,
7 Michael Guss matter, is that -- I believe we talked in
8 the beginning of the proceedings way, way back when that
9 there would be some overlap. And to the extent --

10 THE HEARING OFFICER: To that extent, the
11 cases are consolidated. Yes, you may rely on exhibits
12 that were in the Guss matter as well since the two
13 matters were consolidated even though they were separate
14 hearings. Not the briefs but the exhibits.

15 Any other questions?

16 MS. WALLS: Real quick, you gave -- what was
17 the first date you gave? Not November 2nd, it was
18 November --

19 THE HEARING OFFICER: November 23rd is the
20 date for the briefs.

21 MS. WALLS: Okay. Thank you.

22 THE HEARING OFFICER: All right. With that, I
23 want to thank all of you for your time and your effort
24 in this proceeding. I'll look forward to receiving your
25 briefs on November 23rd. Again, you will get the

1 transcript by Wednesday, November 2nd.

2 Mr. Brown.

3 MR. BROWN: I have a question. Are you going
4 to send Order Number 30 with all this information as
5 well or no?

6 THE HEARING OFFICER: No. It will be in this
7 transcript.

8 MR. BROWN: Oh, okay. Okay. Thank you very
9 much for your time, sir.

10 THE HEARING OFFICER: All right.

11 MR. BROWN: Thank you, Mr. Andonian.

12 Thank you, Anica.

13 Thank you, everyone.

14 MR. ANDONIAN: Thank you.

15 THE HEARING OFFICER: Thank you.

16 (Whereupon, the proceedings were concluded
17 at 4:45 p.m.)

REPORTER'S CERTIFICATE

State of California)
) Ss.
County of Sacramento)

I, ROSE GONI DAVIS, a Certified Shorthand Reporter of the State of California, authorized to administer oaths, do hereby certify:

That I am a disinterested person herein; that the proceedings were reported in shorthand by me, ROSE GONI DAVIS, a Certified Shorthand Reporter of the State of California, and thereafter transcribed using computer-aided transcription and is a true and correct record of the testimony so given.

IN WITNESS WHEREOF, I hereby certify this transcript at my office in the County of Sacramento, State of California, 1st of November, 2022.



ROSE GONI DAVIS, CSR NO. 8760
Certified Shorthand Reporter of
the State of California

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wide-open 858:13 wife 831:10,13 851:7 William 751:1,9 818:22 Williams 735:8 740:17 741:16,22, 23 803:24 811:3, 14,15,19,20,21,22, 25 812:3,6,7,8,10, 14,17,22,24,25 813:4,10,12,15 814:2,11,12,16,19, 20,22,24,25 815:2, 4,5,7,10,15 816:4, 11,18,22 817:5 823:13 window 748:24 827:19 wishy-washy 809:7 witness's 799:10 813:6 witnessed 819:1 820:1,7,10,16 851:21,22 witnesses 735:3 804:14,18,25 805:4,8,11 806:24 808:8,25 810:21, 25 811:11 823:18, 22 824:7,13,20 826:6 828:20 829:8 888:1 889:4 woman 748:23 751:13 women 750:18 848:2 won 748:20 749:3 755:1 word 808:14,17 words 739:3 751:25 773:24 789:11 807:7 work 750:6 762:11 764:18 798:3 801:7 813:1 826:13 828:4 859:21	worked 756:19 846:12 workers 858:24 859:16 working 753:9 764:22,24 824:1,8 825:6,7 828:9 840:19,20 842:5, 10 857:18 worst 849:19,22 850:3 worth 863:7 write 818:14 851:1 writing 788:21 798:20 842:17 859:25 867:6 written 760:1 774:7 850:7 888:14 wrong 845:17 wrongly 855:22 wrote 774:6,17,18, 20 775:18 778:20 779:15 788:16 850:19,21	<hr/> Z <hr/> Zoom 734:23 736:2 737:16 827:19 828:3,11
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eperb@perb.ca.gov

To:richard.brown7437@yahoo.com,agiese@seiu1000.org,perb@unioncounsel.net

Wed, Dec 21 at 11:22 AM

The attached document described below was filed today with the Public Employment Relations Board and is being served on you for case SA-CO-516-S: Richard Louis Brown v. Service Employees International Union, Local 1000 on behalf of Service Employees International Union Local 1000.

Name of document: Notice of Appearance

The following people were served the above document(s):

Richard Louis Brown - e-Serve: richard.brown7437@yahoo.com

Anne M. Giese - e-Serve: agiese@seiu1000.org

Stephanie Mizuhara - e-Serve: perb@unioncounsel.net

Important Information - Please read carefully

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California Public Employment Relations Board



STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD
NOTICE OF APPEARANCE FORM



CASE NAME: Richard Louis Brown v. SEIU Local 1000
CASE NUMBER: SA-CO-516-S
NAME OF PARTY: Service Employees International Union, Local 1000
DATE CASE FILED: 12/07/2022

I, the undersigned party, hereby designate as my representative the person whose name and address appear below, and authorize such representative to appear on my behalf in this proceeding. This designation shall remain valid until I file an amended Notice of Appearance designating a different representative or other written substitution of representative with the Public Employment Relations Board.

Anne M Giese

(Signature)

Anne Giese

(Printed Name)

Chief Counsel

(Title)

12/20/2022

(Date)

By filing this Notice of Appearance or any other document via the ePERB Portal, I understand that I am consenting to electronic service on this case.

____ I am an unrepresented individual and consent to electronic service even if I opt to not use the ePERB Portal.

Kerianne R. Steele

(Name of Representative)

Attorney

(Title)

Weinberg Roger & Rosenfeld

(Organization)

1375 55th Street

(Mailing Address)

Emeryville, California

(City)

(Zip)

(510) 337-1001

(Telephone Number)

(Ext.)

ksteele@unioncounsel.net

(E-mail Address)

Non-attorney/representative contact for law firms and organizations for notification purposes only of filings with PERB from ePERB or the ePERB Portal (paper copies will not be served on this non-attorney/representative contact):

Name	Stephanie Mizuhara	Law Firm/ Organization	Weinberg Roger & Rosenfeld
Title	For Notification Purposes Only	E-mail	perb@unioncounsel.net

**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On December 21, 2022, I served the following documents in the manner described below:

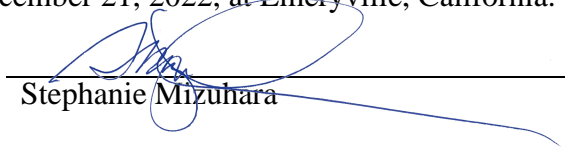
NOTICE OF APPEARANCE

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Emeryville, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☐ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.
- ☐ (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Mr. Richard Louis Brown
3225 43rd Street
Sacramento, CA 95817

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 21, 2022, at Emeryville, California.


Stephanie Mizuhara

1\1327715

ePERB@perb.ca.gov <eperb@perb.ca.gov>

To:richard.brown7437@yahoo.com,perb@unioncounsel.net,ksteele@unioncounsel.net

Wed, Dec 21 at 5:30 PM

The attached document described below was filed today with the Public Employment Relations Board and is being served on you for case SA-CO-516-S: Richard Louis Brown v. Service Employees International Union, Local 1000 on behalf of Service Employees International Union Local 1000.

Name of document: Extension of Time Request

The following people were served the above document(s):

Richard Louis Brown - e-Serve: richard.brown7437@yahoo.com

Stephanie Mizuhara - e-Serve: perb@unioncounsel.net

Kerianne Steele - e-Serve: ksteele@unioncounsel.net

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California Public Employment Relations Board

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JOSEPH T. ADAMIAK
SARA J. ZOLLNER

OF COUNSEL

ROBERTA D. PERKINS
ROBERT E. SZYKOWNY
ANDREA K. DON
LORI K. AQUINO

LABOR EDUCATOR

NINA FENDEL (Retired Attorney)

Admitted in California, unless
otherwise noted

- Admitted in Hawaii
- Also admitted in Nevada
- ▼ Also admitted in Illinois
- Also admitted in New York and
Alaska
- Also admitted in Minnesota
- Admitted in Nevada and
Washington
- ▲ Also admitted in Idaho

December 21, 2022

VIA ELECTRONIC FILING

Mr. Yaron Partovi
Senior Regional Attorney
Public Employment Relations Board
425 W Broadway Suite 400
Glendale CA 91204—4118

Re: Richard Louis Brown
SEIU Local 1000
PERB Case No. SA-CO-516-S

Dear Mr. Partovi:

We are attorneys for the Service Employees International Union, Local 1000.

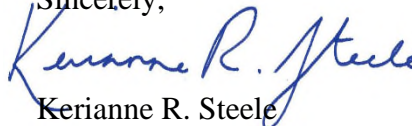
We hereby request a thirty (30) day extension of time to submit a position statement - until February 1, 2023.

There is good cause for this request. The undersigned is taking time off for the holidays, needs time to become familiar with the voluminous record, and has other pre-existing work obligations in the months of December 2022 and January 2023.

Mr. Richard Brown strongly opposes this request, for numerous reasons that he set forth in an email.

Please advise whether this request is granted. If so, we will e-file a confirmation letter.

Sincerely,


Kerianne R. Steele

KRS:sm

opeiu 29 afl-cio(1)

cc: Mr. Richard Louis Brown
155030\1327751

**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On December 21, 2022, I served the following documents in the manner described below:

REQUEST FOR EXTENSION

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Emeryville, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☐ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.
- ☐ (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Mr. Richard Louis Brown
3225 43rd Street
Sacramento, CA 95817

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 21, 2022, at Emeryville, California.


Stephanie Mizuhara

California Public Employment Relations Board <eperb@perb.ca.gov>

To: richard.brown7437@yahoo.com

Fri, Dec 23 at 12:43 PM

Richard Louis Brown,

Your filing has been submitted to California Public Employment Relations Board. Here are the details of your submission:

Submission Date: 12/23/2022 12:43:03 pm

Case number: SA-CO-516-S

Documents Submitted:

20221223124016DECEMBER232022RICHARDLOUISBROWNSOPPOSITIONWITHPROOFOF SERVICETOKERIANNE STEEL.pdf

Reference Number: SACO516S

Thank you for your submission.

California Public Employment Relations Board

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ePERB@perb.ca.gov <eperb@perb.ca.gov>

To: richard.brown7437@yahoo.com, perb@unioncounsel.net, ksteele@unioncounsel.net

Fri, Dec 23 at 12:43 PM

The attached document described below was filed today with the Public Employment Relations Board and is being served on you for case SA-CO-516-S: Richard Louis Brown v. Service Employees International Union, Local 1000 on behalf of Richard Louis Brown.

Name of document: Opposition to Motion

The following people were served the above document(s):

Richard Louis Brown - e-Serve: richard.brown7437@yahoo.com

Stephanie Mizuhara - e-Serve: perb@unioncounsel.net

Kerianne Steele - e-Serve: ksteele@unioncounsel.net

Important Information - Please read carefully

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If you are already registered with the ePERB Public Portal **but** do not have access to the case - you can e-mail us a request for case access [here](#)

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California Public Employment Relations Board

Richard Brown <richard.brown7437@yahoo.com>

To: Kerianne Steele, Local 1000 Anne Giese Giese, DLC 770 Secretary-Treasurer Derick Roque, Ebie Lynch

Wed, Dec 21 at 11:33 AM

December 21, 2022

Good morning Kerianne,

I am responding to your email below in “ “ that you sent this morning at 6:22am. You allege that your law firm is representing Local 1000 regarding my PERB complaint against Local 1000.

First, I strongly believe in people having time to spend with their families during the holiday season. In fact I gave the Local 1000 staff 12 additional days with no financial costs to Local 1000 in January of 2022 so they could pre-plan to be with their families without any confusion or conflict by being informed at the last minute of time off. However as the leader of the largest public sector union in California I must respectfully but strongly disagree with your request for a 30-day extension until February 1, 2023, regarding my PERB complaint against Local 1000 based on the following 7 reasons below:

1. I filed my PERB complaint against Local 1000 on December 1, 2021, and your 20-day delayed response is unacceptable regardless of when Local 1000 hired your law firm to represent Local 1000. The 30 day deadline for Local 1000 to respond to my complaint is December 31, 2022, so your request 10 days before the deadline is unreasonable. In addition you have failed to provide me of the legal and financial paperwork that substantiates your claim that Local 1000 has hired you to represent them regarding my PERB complaint against Local 1000. Please provide this information immediately today so Local 1000 membership can understand why their money is being used against their duly elected Local 1000 President (me).
2. The Local 1000 Board of Directors of which I am a member of was NOT notified nor approved the hiring of your law firm to represent Local 1000 regarding my PERB charge against Local 1000.
3. Local 1000 membership was NOT notified nor approved Local 1000 to use their dues money to hire your law firm to fight against their duly elected Local 1000 President's PERB complaint regarding the multitude of wrongdoings against Local 1000 for its attempt to silence the voice of membership.
4. You never stated your law firm name and provided what your legal fees are which I am entitled to know since I am a Local 1000 Board of Director. This failure of informing me of your legal costs greatly impacts the costs to Local 1000 membership which undermines the membership's voice in electing their Local 1000 President to represent their interests in the prescribed Bylaws and Policy File when I was elected President in May of 2021.
5. Local 1000 has already retained the services Leon Dayan, Phil Andonian, Chris Katenzbach, and Glenn Rothner through SEIU International for legal cases involving a Board of Director suing me and Local 1000. The Local 1000 Board of Directors also just recently approve the “bad faith” self-dealing for 42 Board of Directors to retain for their defense and advance the fees and costs to retain the Berkeley labor law firm of Feinberg, Jackson, Worthman & Wasow to represent the following 42 Board members in litigation against them for their duties regarding my lawsuit against them for \$12M. Your law firm was never mentioned in last night's Board meeting regarding my PERB complaint. In fact I wanted to ask a number of questions in last night's Board meeting but Board of Director, Bill Hall, refused to allow me to speak even after being confronted about my hand being raised by fellow Board of Director, Tommy Cornelius. Therefore Local 1000 doesn't need your services due to having five different lawyers already representing their efforts to remove me from office since March of 2022. Local 1000 did not have a Board meeting to approve hiring your law firm so to ask for an extension is a true insult.
6. I must state once again you have failed to provide me of the legal and financial paperwork that substantiates your claim that Local 1000 has hired you to represent them regarding my PERB complaint against Local 1000. Your email also stated that you needed to “orient ourselves to this case.” sounds reasonable but does not pass the smell test because Local 1000 could easily and quite quickly educate and orient your law firm regarding my rarely easy to understand PERB complaint against Local 1000.
7. Finally my seventh reason is that I have been illegally suspended since February 27, 2022, based on meritless allegations which has kept Local 1000 membership from getting a 21% general salary pay increase, GEO pay, COLA, permanent \$100 telework stipend and job security for ALL Local 1000 represented employees. Your decision to allegedly represent Local 1000 where certain Board of Directors (Bill Hall and Theresa Taylor) have called me a “NIGGER” and telling me to “SUCK A DICK” is alarming for me and for membership. So I must question if your law firm is a pro labor law firm or if you are just seeking a financial cash flow of unlimited amounts of money which therefore also adds to my rejection of your 30 day request for an extension.

In summary for the following 7 reasons listed above I totally reject your request for a 30-day extension until February 1, 2023, regarding my PERB complaint against Local 1000.

PERB Received
12/23/22 12:43 PM

Thank you,
Richard Louis Brown
Inspire the Impossible 7437
408-207-2339

"Richard Brown/SEIU Local 1000/PERB Case No. SA-CO-516-S

Good morning Mr. Brown,

We are counsel for SEIU Local 1000 in this matter. We require a 30-day extension of time please – until February 1, 2023 to file a position statement. We are taking time off for the holidays and we need time to orient ourselves to this case.

Please inform me of your position regarding this request.

Thank you,
Kerianne"

Sent from my iPhone
Hide original message

On Dec 21, 2022, at 6:22 AM, Kerianne Steele <ksteele@unioncounsel.net> wrote:

**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed with the State of California, at DMV. I am over the age of eighteen years and not a party to the within action.

On December 23, 2022, I served the following documents in the manner described below:

NOTICE OF APPEARANCE

- ☒ (BY U.S. MAIL) I mailed to Weinberg, Roger & Rosenfeld for collection and processing of documenting Richard Louis Brown's opposition by the United States Postal Service, and I caused such envelope placed in the United States Postal Service in Modesto, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE) I am NOT personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused NOT such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☐ (BY OVERNIGHT MAIL) I am NOT personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused NOT such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.
- ☐ (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Ms. Kerianne R. Steele at Weinberg, Roger & Rosenfeld
1375 55th Street
Emeryville, California 94608

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 23, 2022, at Emeryville, California.

Derick Roque
Derick Roque

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. IKEDA
LINDA BALDWIN JONES
PATRICIA A. DAVIS
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KATHARINE R. McDONAGH
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BISMA SHAHBAZ
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OF COUNSEL

ROBERTA D. PERKINS
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NINA FENDEL (Retired Attorney)

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• Admitted in Hawaii
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► Also admitted in New York and
Alaska
• Also admitted in Minnesota
► Admitted in Nevada and
Washington
▲ Also admitted in Idaho

December 27, 2022

VIA ELECTRONIC FILING

Mr. Yaron Partovi
Senior Regional Attorney
Public Employment Relations Board
425 W Broadway Suite 400
Glendale CA 91204—4118

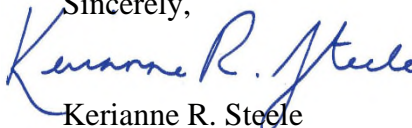
Re: Richard Louis Brown
SEIU Local 1000
PERB Case No. SA-CO-516-S

Dear Mr. Partovi:

We are attorneys for the Service Employees International Union, Local 1000. We write to confirm that you have generously granted Respondent SEIU Local 1000 a three (3) week extension in which to file its position statement in response to the above-referenced unfair practice charge. Respondent's position statement is now due on January 23, 2023.

Thank you.

Sincerely,


Kerianne R. Steele

KRS:sm
opeiu 29 afl-cio(1)
cc: Mr. Richard Louis Brown
155030\1328187

**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On December 27, 2022, I served the following documents in the manner described below:

CONFIRMING LETTER

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Emeryville, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
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- ☐ (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Mr. Richard Louis Brown
3225 43rd Street
Sacramento, CA 95817

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 27, 2022, at Emeryville, California.


Stephanie Mizuhara

ePERB@perb.ca.gov <eperb@perb.ca.gov>

To:richard.brown7437@yahoo.com,perb@unioncounsel.net,ksteele@unioncounsel.net

Tue, Dec 27 at 6:03 PM

The attached document described below was filed today with the Public Employment Relations Board and is being served on you for case SA-CO-516-S: Richard Louis Brown v. Service Employees International Union, Local 1000 on behalf of Richard Louis Brown.

Name of document: Other

The following people were served the above document(s):

Richard Louis Brown - e-Serve: richard.brown7437@yahoo.com

Stephanie Mizuhara - e-Serve: perb@unioncounsel.net

Kerianne Steele - e-Serve: ksteele@unioncounsel.net

Important Information - Please read carefully

If you have not registered with the ePERB Public Portal - please register **prior** to accessing this case. Once registered, you will be able to request access.

Click here to register: [Account Registration](#)

If you have already registered with the ePERB Public Portal **and** already have access to the case, you can login and view your case [here](#).

If you are already registered with the ePERB Public Portal **but** do not have access to the case - you can e-mail us a request for case access [here](#)

Visit our FAQ's for more information on account registration: [FAQ's](#)

California Public Employment Relations Board

20221227180141DECEMBER272022RICHARDOLOUISBROWNSNOPERBNOTIFICATIONEXTENSIONALLEGEDBYKERIANNESTEELPACKETT_v2.pdf

California Public Employment Relations Board <eperb@perb.ca.gov>

To:richard.brown7437@yahoo.com

Tue, Dec 27 at 6:03 PM

Richard Louis Brown,

Your filing has been submitted to California Public Employment Relations Board. Here are the details of your submission:

Submission Date: 12/27/2022 06:02:55 pm

Case number: SA-CO-516-S

Documents Submitted:

20221227180141DECEMBER272022RICHARDOLOUISBROWNSNOPERBNOTIFICATIONEXTENSIONALLEGEDBYKERIANNESTEELPACKETT.pdf

Reference Number: SACO516S

Thank you for your submission.

California Public Employment Relations Board

This notification was automatically generated by ePERB. Please do not reply to this e-mail as replies are routed to an unmonitored mailbox. If you have questions regarding this e-mail, please e-

mail PERBPortal@perb.ca.gov. All filings must be made via the ePERB Portal and cannot be filed by e-mail.

Richard Brown <richard.brown7437@yahoo.com>

To: Kerianne Steele

Bcc: DLC 770 Secretary-Treasurer Derrick Roque

Tue, Dec 27 at 5:48 PM

Good evening Ms. Steele,

I was never notified by PERB granting you a January 23, 2023, extension in regards to my unfair practice charge against Local 1000 for PERB Case No. SA-CO-516-S. Please see below and your attached pdf.

I am still in opposition to your request for this extension and I don't understand why PERB is only communicating with you about this case. Therefore I find your letter misleading, not appropriate and could lead to harmful prejudice against my case.

Richard Louis Brown
Inspire the Impossible 7437
408-207-2339

December 27, 2022

VIA ELECTRONIC FILING

Mr. Yaron Partovi
Senior Regional Attorney
Public Employment Relations Board
425 W Broadway Suite 400
Glendale CA 91204—4118

Re: Richard Louis Brown
SEIU Local 1000
PERB Case No. SA-CO-516-S

Dear Mr. Partovi:

We are attorneys for the Service Employees International Union, Local 1000. We write to confirm that you have generously granted Respondent SEIU Local 1000 a three (3) week extension in which to file its position statement in response to the above-referenced unfair practice charge. Respondent's position statement is now due on January 23, 2023.

Thank you.
Sincerely,
Kerianne R. Stee

PERB Received
12/27/22 18:02 PM

Richard Brown <richard.brown7437@yahoo.com>

To: Kerianne Steele

Bcc: DLC 770 Secretary-Treasurer Derrick Roque

Tue, Dec 27 at 5:48 PM

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Richard Louis Brown
Inspire the Impossible 7437
408-207-2339

December 27, 2022

VIA ELECTRONIC FILING

Mr. Yaron Partovi
Senior Regional Attorney
Public Employment Relations Board
425 W Broadway Suite 400
Glendale CA 91204—4118

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SEIU Local 1000
PERB Case No. SA-CO-516-S

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Sincerely,
Kerianne R. Stee

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
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MATTHEW J. GAUGER
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LINDA BALDWIN JONES
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BRUCE A. HARLAND
CAREN P. SENCER
ANNE I. YEN
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MANUEL A. BOIGUES
KERIANNE R. STEELE
GARY P. PROVENCER
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NINA FENDEL (Retired Attorney)

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▲ Also admitted in Idaho

December 27, 2022

VIA ELECTRONIC FILING

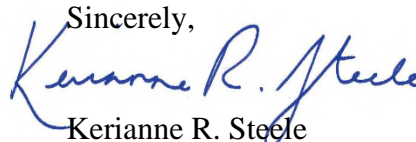
Mr. Yaron Partovi
Senior Regional Attorney
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425 W Broadway Suite 400
Glendale CA 91204—4118

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PERB Case No. SA-CO-516-S

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Thank you.

Sincerely,

Kerianne R. Steele

KRS:sm
opeiu 29 afl-cio(1)
cc: Mr. Richard Louis Brown
155030\1328187

**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On December 27, 2022, I served the following documents in the manner described below:

CONFIRMING LETTER

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Emeryville, California.
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- ☐ (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Mr. Richard Louis Brown
3225 43rd Street
Sacramento, CA 95817

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 27, 2022, at Emeryville, California.


Stephanie Mizuhara

**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed with the State of California, at DMV. I am over the age of eighteen years and not a party to the within action.

On December 27, 2022, I served the following documents in the manner described below:

NOTICE OF APPEARANCE

- ☒ (BY U.S. MAIL) I mailed to Weinberg, Roger & Rosenfeld for collection and processing of documenting Richard Louis Brown's opposition by the United States Postal Service, and I caused such envelope placed in the United States Postal Service in Modesto, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE) I am NOT personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused NOT such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☐ (BY OVERNIGHT MAIL) I am NOT personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused NOT such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.
- ☐ (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Ms. Kerianne R. Steele
1375 55th Street
Emeryville, California 94608

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 27, 2022, at Modesto, California.

Derick Roque
Derick Roque

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. IKEDA
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- ◄ Admitted in Nevada and
Washington
- ▲ Also admitted in Idaho

January 23, 2023

VIA ELECTRONIC FILING

Mr. Yaron Partovi
Senior Regional Attorney
Public Employment Relations Board
425 W Broadway Suite 400
Glendale CA 91204—4118

Re: Richard Louis Brown
SEIU Local 1000
PERB Case No. SA-CO-516-S

Dear Mr. Partovi:

This office represents Service Employees International Union, Local 1000 (“SEIU Local 1000” or “Union”), Respondent in the above-referenced matter. This letter constitutes Respondent’s position statement in response to the Unfair Practice Charge (“Charge”) filed by Mr. Richard Louis Brown (“Mr. Brown”).

The Charge is untimely

Nearly all of Mr. Brown’s allegations are untimely. The statute of limitations applicable to this charge is six (6) months. (Government Code section 3514.5(a) (PERB does not have authority “to issue a complaint in respect of any charge based upon an alleged unfair practice occurring more than six months prior to the filing of the charge...”).) The doctrine of tolling, which is codified in Government Code section 3514.5(a), does not apply here. This matter involves a purely internal union affair; therefore, no grievance is at issue that was filed utilizing the “grievance machinery” in a collective bargaining agreement. (Id.) Mr. Brown filed his charge on December 1, 2022. Accordingly, PERB’s Office of General Counsel should not consider any allegations that predate June 1, 2022.

On pages 1, 4, 18 and throughout his Charge, Mr. Brown claims he was improperly suspended as President on February 27, 2022. This claim is untimely and must be dismissed. Even if Mr. Brown were to continue to be suspended within the statute of limitations, he cannot prove the six (6) month statute of limitations is excused or waived. According to Mr. Brown himself, his suspension was imposed on February 27, 2022. He does not explain why he waited until December 1, 2022 to pursue a claim relating to his suspension.

On pages 4, 9, 14, and 27-29 of his Charge, Mr. Brown alleges SEIU Local 1000 conducted an illegal, special SEIU Local 1000 Board of Directors meeting. The dates October 16-17, 2021 are outside the statute of limitations. PERB must dismiss claims relating to the October 16-17, 2021 meeting.

On page 9 of his Charge, Mr. Brown claims an SEIU Local 1000 leader, Theresa Taylor, and her daughter Anna Taylor, used profane language in reference to him. He says those events occurred on August 10, 2021. This claim must also be dismissed as untimely.

On page 10 of his Charge, Mr. Brown contends that on August 11, 2021, an SEIU Local 1000 member, Denise Quinn-Allen, referred to him using a derogatory term. That untimely claim must be dismissed.

On page 10 of his Charge, Mr. Brown alleges Bill Hall, SEIU Local 1000 member leader, sent an email to members on April 25, 2022, titled "Telework Bargaining Resumes April 27 Under New Leadership." That allegation is outside the statute of limitations. PERB must dismiss it.

On page 11 of his Charge, Mr. Brown alleges Mr. Hall filed a lawsuit against Mr. Brown in or around January 2022. That claim is untimely and must be dismissed.

On page 17 of his Charge, Mr. Brown asserts that on December 30, 2021, Mr. Hall arranged for SEIU Local 1000 leaders, Jonah Paul and Denise Quinn-Allen, to publish racially motivated pictures of Mr. Brown on a Facebook group page. That date falls outside the statute of limitation. PERB must dismiss this allegation.

On page 18 of his Charge, Mr. Brown refers to his communications with an SEIU Local 1000 leader "Billy Hall" on September 7, September 27, October 7, and November 27, 2021, regarding Mr. Hall's request for an illegal, special Board of Directors meeting. Those communications occurred outside the statute of limitations. The claim must be dismissed as untimely.

On page 18 and 19 of his Charge, Mr. Brown claims Kevin Menager, an alleged supporter of a Vice-President of SEIU Local 1000 named Anica Walls, revealed information in a Facebook post that suggests suspending Mr. Brown "was always the goal." Mr. Brown contends the Facebook post was dated June 17, 2021. That date falls well outside the statute of limitations. PERB must dismiss this allegation.

On page 23 of his Charge, Mr. Brown refers to an illegitimate vote occurring on May 24, 2022. This untimely claim must be dismissed.

On pages 24 and 25 of his Charge, Mr. Brown refers to an email sent by SEIU Local 1000 Vice President David Jimenez dated February 24, 2022. That claim is outside the statute of limitations and should be dismissed.

On page 25 of his Charge, Mr. Brown claims the three Vice Presidents of SEIU Local 1000, who he claims suspended him, changed all the locks to the SEIU Local 1000 Headquarters building on February 28, 2022. This allegation is outside the statute of limitations and cannot be considered.

On page 25 of his Charge, Mr. Brown implies he was falsely accused of changing the locks on the Headquarters doors when he attempted to access his belongings from his office on March 5, 2022. This claim is outside the statute of limitations.

On pages 28 and 29 of his Charge, Mr. Brown claims various SEIU Local 1000 representatives conspired to convene, and did convene an illegal, special Board of Directors meeting and made improper changes in procedures at such meeting. March 5, 2022 is outside the statute of limitations. PERB must dismiss this allegation.

Each of the above-listed claims is untimely and must be dismissed. There is no basis for PERB to even regard them as background information.

PERB has no jurisdiction over this purely internal union matter

Mr. Brown claims he is a victim of “discrimination for [his] protected activity of fulfilling his duties as the SEIU Local 1000 President.” (Charge, p. 1.) He wants PERB to intrude into internal union affairs by ordering him reinstated as President and invalidating all SEIU Local 1000 actions and changes since February 27, 2022. (Charge, p. 1.) PERB has no authority to do so. Internal union affairs and procedures are largely immune from PERB administrative scrutiny. PERB will not review internal union matters unless the activities involved in the charge “have a substantial impact on the relationship of unit members to their employers.” (*Service Employees International Union, Local 99 (Kimmet)*, PERB Decision No. 106 (1979), p. 8; *see also California School Employees Ass’n & Its Chapter 36 (Peterson)*, PERB Decision No. 1733 (2004), pp. 7-8 (no PERB jurisdiction to address denial of ability to hold union office where charging party’s membership status was unaffected).) Said otherwise, only those union activities that have a substantial impact on the relationships of unit members to their employer are subject to the duty of fair representation. (*Id.*, slip op. p. 8.) A charging party has the burden of demonstrating that the internal activities of the exclusive representative have such a substantial impact on the charging party’s relationship with his employer as to give rise to the duty of fair representation. (*California State Employees Association (Hackett)*, PERB Decision No. 979-S (1993), p. 4 of warning letter (PERB affirming dismissal of charge); *see also Coalition of University Employees (Higgins)* (2006) PERB Decision No. 1855-H.)

Ironically, even Mr. Brown admits in his Charge that “[t]his is purely a matter of internal politics within SEIU Local 1000.” (Charge, p. 29.) While Mr. Brown is referencing what he perceives as meddling by SEIU International in the politics of an SEIU local, Mr. Brown’s admission is nonetheless very revealing.

PERB has no jurisdiction over any of the claims in Mr. Brown’s charge, not even the small number that are arguably timely. First, on page 1 of his Charge, Mr. Brown alleges that on June 7, 2022, June 9, 2022, June 10, 2022, July 3, 2022, August 12, 2022, and November 23, 2022, he, in his capacity as an SEIU Local 1000 Board member, allegedly asked SEIU Local 1000 for documents relating to “financial information, in person Board meetings, and Board meeting notes including zoom videos of Board meetings since March 2022.” (Charge, p. 1.) These requests for information, allegedly made by him as an SEIU Local 1000 Board of Directors member have no bearing on his employment with the State of California (“State”).

Second, on pages 11 and 29, Mr. Brown alleges that Mr. Hall convinced the SEIU Local 1000 Board of Directors to pay for Mr. Hall’s attorneys’ fees in an amount exceeding \$40,000 “[for] his lawsuit efforts.” The lawsuit Mr. Brown is referencing, and the grant of funding to pay attorneys’ fees, has no relationship whatsoever to Mr. Brown’s employment with the State.

Third, on pages 11 and 29, Mr. Brown claims on July 1, 2022, SEIU Local 1000 offered him a “one-time payment of \$15K for legal fees only associated with my HR-1 hearings...” An “HR-1” is an internal member-to-member charge procedure, over which PERB has no jurisdiction. A decision by SEIU Local 1000 to grant attorneys’ fees to Mr. Brown to use in connection with his HR-1 hearing is a purely internal union matter having no impact whatsoever on Mr. Brown’s employment. Lastly, Mr. Brown’s claim on page 16 of his Charge that Mr. Hall defamed him through a statement published in the Sacramento News and Review on July 27, 2022 relates to an internal union matter.

Notably, nowhere in the Charge does Mr. Brown allege he has lost his membership as a result of SEIU Local 1000 taking disciplinary action against him. He does not even attempt to allege a connection to his State employment, nor could he.

PERB must dismiss each and every claim in the Charge on the ground that it has no jurisdiction.

PERB does not have jurisdiction over claimed violations of the Corporations Code or statutes that prohibit race-based discrimination and harassment

Throughout Mr. Brown's Charge, he references alleged acts of racism and violations of the Corporations Code. PERB has no jurisdiction to enforce statutes that prohibit discrimination or harassment based on race. Similarly, it cannot enforce the Corporations Code. (*Los Angeles Unified School District* (1990) PERB Decision No. 835 (PERB only has jurisdiction to enforce the statutes it is charged with administering); *State of California (Department of Personnel Administration)* (2009) PERB Decision No. 2018-S, p. 4 (PERB does not enforce other independent statutory schemes); *Trustees of the California State University* (2005) PERB Decision No. 1741-H (affirming dismissal of charge because PERB has no jurisdiction to enforce statutes regarding discrimination based on sex, race, or religion).)

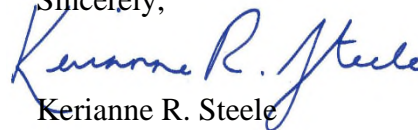
Conclusion

Mr. Brown's Charge is utterly without merit. The Office of General Counsel should issue him a Warning Letter.

This position statement is not intended to be a comprehensive rebuttal of each and every assertion made by Mr. Brown, nor does it represent the totality of the evidence, rationale, or justifications in support of SEIU Local 1000's case in this matter. At this stage, SEIU Local 1000 has not yet reviewed all the evidence, interviewed all witnesses, or anticipated every possible legal defense that may be applicable. Accordingly, SEIU Local 1000 fully expects to assert additional defenses and raise additional facts and arguments should this case proceed, and hereby reserves its right to do so.

I hereby declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge. Executed this 23rd day of January 2023.

Sincerely,



Kerianne R. Steele

KRS:sm

opeiu 29 afl-cio(1)

cc: Mr. Richard Louis Brown
155030\1334202

**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On January 23, 2023, I served the following documents in the manner described below:

**SEIU LOCAL 1000'S POSITION STATEMENT IN RESPONSE TO UNFAIR PRACTICE
CHARGE NO. SA-CO-516-S**

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Emeryville, California.
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- ☐ (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Mr. Richard Louis Brown
3225 43rd Street
Sacramento, CA 95817

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 23, 2023, at Emeryville, California.


Stephanie Mizuhara