

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD
ADMINISTRATIVE LAW JUDGE SHAWN CLOUGHESY
STATE OF CALIFORNIA

and Employee,
PEACE OFFICERS OF CALIFORNIA
and Petitioner,
CALIFORNIA STATEWIDE LAW
ENFORCEMENT ASSOCIATION

Case No.: SA-SV-171-S

Exclusive Representative.)
Transcription of Tapes from hearing conducted on
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1 ALJ CLOUGHESY: All right. We're back on the
2 record. We have another witness called by the
3 petitioner. I'm going to ask you to raise your right
4 hand. Do you swear or affirm the testimony you'll be
5 giving is the truth, the whole truth, and nothing but
6 the truth?

7 THE WITNESS: Yes.

8 ALJ CLOUGHESY: Please state your name for the
9 record, spell your last name.

10 THE WITNESS: Scott Edelen, E-D-E-L-E-N.

11 ALJ CLOUGHESY: All right. And I see that
12 you have before you a declaration, but I am marking as
13 Petitioner's Exhibit G what appears to be a declaration
14 of Scott Edelen --

15 THE WITNESS: Right.

16 ALJ CLOUGHESY: -- with an attachment as the
17 state personnel board job specifications. It appears to
18 be for the (inaudible) specification of fraud
19 investigator, Department of Insurance. I'm going to
20 pass that over to you, sir. And if you could take a
21 look at that and let me know what that is.

22 THE WITNESS: This is my declaration in the
23 matter before the public relations -- employment
24 relations board today.

25 ALJ CLOUGHESY: All right. And if you could

1 turn to the page where you signed that. That's on page
2 8 or something like that. Is that your signature on the
3 page, sir?

4 THE WITNESS: Yes, it is.

5 ALJ CLOUGHESY: And did you sign it on the
6 date that was set forth and in the location set forth?

7 THE WITNESS: I did.

8 ALJ CLOUGHESY: All right. And, sir, let me
9 ask this. Did you have any corrections that you want to
10 make to that declaration?

11 THE WITNESS: I do. There were some
12 typographical errors.

13 ALJ CLOUGHESY: All right. Let's get to
14 those. What area or what page and line?

15 THE WITNESS: Page 6, number 36.

16 ALJ CLOUGHESY: Okay.

17 THE WITNESS: Number 36 where it says I take
18 depositions, I may be called upon to give depositions.

19 ALJ CLOUGHESY: Okay. So why don't I have you
20 do this. Why don't you just line out I take depositions
21 and write in instead what you just stated. And then
22 initial and date it. Thank you, sir. Are there any
23 other corrections here?

24 THE WITNESS: Item number 37.

25 ALJ CLOUGHESY: Okay. Item number 37 where it

1 says I prepare declarations?

2 THE WITNESS: Correct.

3 ALJ CLOUGHESY: And what correction would you
4 like to make to that?

5 THE WITNESS: I may be called upon to prepare
6 declarations.

7 ALJ CLOUGHESY: Okay. So why don't you line
8 out what you have and insert what you just stated,
9 initial and date. All right. Do you need to make a
10 (inaudible) number 37. Any other corrections?

11 THE WITNESS: One last.

12 ALJ CLOUGHESY: Okay.

13 THE WITNESS: Item number 54.

14 ALJ CLOUGHESY: Okay. We're on the next page,
15 54. I may testify as an expert witness in state and
16 federal courts. And what --

17 THE WITNESS: I may be called to testify. I
18 may be called upon to testify.

19 ALJ CLOUGHESY: Okay. Why don't you just
20 insert a little arrow and then to be called upon to --
21 and initial and date. And any other corrections?

22 THE WITNESS: That was all.

23 ALJ CLOUGHESY: All right. So, sir,
24 including the corrections that you have in here, is
25 what's contained in this document true and correct to

1 the best of your knowledge?

2 THE WITNESS: Yes.

3 ALJ CLOUGHESY: All right. Mr. Messing, do
4 you need to see the corrections?

5 MR. MESSING: Yes.

6 ALJ CLOUGHESY: All right. Let me just pass
7 it on over to you, and we'll go off the record.

8 (A brief pause transpired.)

9 ALJ CLOUGHESY: All right. We're back on the
10 record, and the parties have seen the corrections. Any
11 other qualifying questions, Mr. Rose, on your part for
12 this witness before I pass him?

13 MR. ROSE: No.

14 ALJ CLOUGHESY: All right. Already to pass.
15 Mr. Messing, your witness.

16 MR. MESSING: Give me just a moment, please.

17 ALJ CLOUGHESY: Off the record.

18 (A brief pause transpired.)

19 ALJ CLOUGHESY: Okay. We are back on the
20 record.

21 MR. ROSE: Can we have --

22 ALJ CLOUGHESY: Just a second. Do you want to
23 spell that for me?

24 MR. ROSE: Yes, sir. The prior witness had
25 referred to SURCOM in reference to the dispatch com

1 center. I understand from Mr. Clark it's S-U-R-C-O-M,
2 all capital letters.

3 ALJ CLOUGHESY: All right. Mr. Clark?

4 MR. CLARK: That's correct.

5 ALJ CLOUGHESY: All right. Let's go off the
6 record and get ready for cross.

7 (A brief pause transpired.)

8 ALJ CLOUGHESY: All right. Back on the
9 record. I'm going to be marking our next two exhibits
10 in order for the exclusive representative, specifically
11 -- if I can get to the right page here -- I'm marking as
12 Exclusive Rep F and G. Specifically I am marking as
13 Exclusive Rep F the state personnel board job
14 specifications for insurance investigator. I'm marking
15 as Exclusive Rep G --

16 MS. TRUONG: Your Honor, can you repeat that,
17 which one you're marking?

18 ALJ CLOUGHESY: F is the insurance
19 investigator, class code 8575. G is associate insurance
20 investigator, class code 8576. I'm just going to place
21 them right up here for this witness' access, and Mr.
22 Messing, the witness is yours.

23 EXAMINATION BY MR. MESSING:

24 Q. First of all, aside from your declaration,
25 are there any documents that you reviewed to prepare for

1 your testimony?

2 A. My class specification.

3 Q. Okay. Aside from that?

4 A. That's all.

5 Q. All right. And let's see. It looks like you

6 -- you graduated from college in 1999?

7 A. That's the second time.

8 Q. Second time? When was the first time?

9 A. 199 -- December 1994.

10 Q. Okay. You graduated in '94 with what degree?

11 A. Communications. Bachelor of arts.

12 Q. And what did you do when you graduated?

13 A. Walk down the aisle kind of thing?

14 Q. No. For work.

15 A. I was employed by the State of California.

16 Q. In what part?

17 A. At the state controller's office as an office
18 assistant.

19 Q. Okay. Was that -- now what happened in 1999?

20 A. I obtained my criminal justice bachelor's
21 degree.

22 Q. So you have two BA's?

23 A. A BA and a BS.

24 Q. Okay. That's unusual. Did you work at the
25 state controller's office from '94 to '99?

1 A. No.

2 Q. Okay. Where else did you work, if at all?

3 A. I left there and went to Department of
4 Consumer Affairs.

5 Q. In what capacity?

6 A. Team technician I and then promotion to team
7 associate I. Those classes are no longer in existence,
8 evidently.

9 Q. Okay. Were you going to school and working at
10 the same time?

11 A. Correct.

12 Q. Okay. And in 1999 after you received your
13 degree, I see there's a gap in this declaration between
14 1999 and 2006. What did you do between that period of
15 time?

16 A. I served as deputy press secretary at
17 Department of Insurance. That was working title -- was
18 an agent PA. Then I became the deputy insurance
19 commissioner for the California Department of Insurance,
20 returned to -- returned to AGPA at Department of
21 Insurance, accepted a governortorial (ph) appointment in
22 the Schwarznegger administration as assistant director,
23 Department of General Services. Then transferred to the
24 deputy director, Department of Consumer Affairs,
25 resigned and went back to Department of Insurance and

1 became a peace officer.

2 Q. And you became a peace officer in 2006?

3 A. Correct.

4 Q. Okay. So in your capacity as a deputy press
5 secretary with Department of Insurance, and then did you
6 say you were an assistant director of general services?

7 A. No. Then I became deputy insurance
8 commissioner, California Department of Insurance.

9 Q. So the two positions that you held was press
10 secretary and deputy -- commissioner of insurance. I
11 gather you became familiar with various classifications
12 in the Department and you worked with many of the people
13 who work in the various classifications?

14 A. Correct.

15 Q. Okay. So you're familiar with the class
16 insurance investigator?

17 A. Yes.

18 Q. Okay. And you're familiar with a class
19 associated insurance investigator?

20 A. I believe that's the lower level or --

21 Q. Okay.

22 A. Yeah. We have different working titles
23 sometimes.

24 Q. Okay.

25 A. But, yeah. I know who they are.

1 Q. Those are non-sworn positions, correct?

2 A. Correct.

3 Q. And yours is a sworn position?

4 A. Correct.

5 Q. Okay. And I direct your attention to page 4
6 of your declaration.

7 A. Yes.

8 Q. I see various codes here that you are charged
9 with the responsibility for enforcing?

10 A. Yes.

11 Q. That's A, B, C, and D from the Insurance Code
12 down to the Health and Safety Code. Do you see that?

13 A. Yes, I do.

14 Q. All right. From your experience, would those
15 be the same codes that insurance investigators also are
16 charged with enforcing?

17 A. I'm not totally familiar with their
18 specifications.

19 Q. Do you work together with insurance
20 investigators currently in your assignment?

21 A. I kick down the door for them on their search
22 warrants.

23 UNIDENTIFIED SPEAKER: So that's a yes?

24 ALJ CLOUGHESY: I take it that's a yes?

25 THE WITNESS: Yes. They're around the corner,

1 usually.

2 BY MR. MESSING:

3 Q. So they execute search warrants?

4 A. No. We execute search warrants. They conduct
5 search warrants.

6 Q. They conduct. Okay. So they -- they do the
7 affidavits in support of search warrants?

8 A. Yes.

9 Q. Do they do pretty much everything you do
10 except for executing the search warrants and arresting
11 people? Do they have the power of arrest?

12 A. No.

13 Q. Okay. Aside from the power of arrest and the
14 -- and execution of search warrants, do they do a
15 similar job that you do?

16 A. I do 100 percent criminal 100 percent of the
17 time.

18 Q. Okay.

19 A. And I believe they do administrative
20 investigations as well.

21 Q. So they do criminal and administrative
22 investigations?

23 A. I don't know the extent of their criminal
24 investigations.

25 Q. Well you do know that they're criminal

1 investigations when you're knocking down the door on a
2 search warrant for them?

3 A. Well that could be an administrative -- I
4 believe that -- yeah. It's used typically as criminal,
5 I would believe. I don't know.

6 Q. All right. Because if it was administrative,
7 then your testimony that you do 100 percent of criminal
8 enforcement 100 percent of the time wouldn't be a true
9 statement, right?

10 A. Okay. I do 100 percent criminal 100 percent
11 of the time. And on search warrants, that would tend to
12 be criminal.

13 Q. Okay. And when you -- how often do you
14 execute search warrants that are initiated by insurance
15 investigators?

16 MR. ROSE: Objection. Misstates the prior
17 testimony of the witness.

18 ALJ CLOUGHESY: I kind of remember whether he
19 -- I'm not sure he executes them as much as -- what role
20 do you play in regards to search warrants?

21 THE WITNESS: We make -- we demand entry and
22 make -- and make entry, clear the scene, and secure the
23 location to be searched.

24 ALJ CLOUGHESY: All right.

25 BY MR. MESSING:

1 Q. Would you call that executing a warrant?

2 A. Yes.

3 Q. So how often do you execute warrants that are
4 initiated by insurance investigators?

5 A. I have been on a handful in three years, so
6 less than -- I don't have an exact number, but I would
7 say less than five.

8 Q. Okay. How many search warrants have you
9 executed that were not initiated by insurance
10 investigators in that period of time?

11 A. You mean like -- like my -- my side search
12 warrants?

13 Q. Yes.

14 A. Three or four dozen in three years.

15 Q. All right.

16 A. Approximately.

17 Q. What kind of shift and hours do you work?

18 A. 0600 to 1630 hours.

19 Q. Do you have a paid lunch?

20 A. No.

21 Q. So what kind of schedule is that?

22 A. Four ten.

23 Q. Four ten. Okay. Now, I'm looking at your
24 declaration, page 8.

25 A. (Inaudible.)

1 Q. I notice you identify non-Bargaining Unit 7
2 personnel with whom you work in paragraph 68, but I
3 don't see you stating what unit 7 non-peace officer
4 personnel you work with. Can you please tell us, aside
5 from insurance investigators, who else you work with?

6 A. Are you asking for the B-7 or the non-B-7?

7 Q. The B-7.

8 A. None.

9 Q. Okay. So let's talk about insurance
10 investigator. You say that you knock down their door --
11 the doors for them.

12 A. Uh-huh.

13 Q. Are there any other ways in which you work
14 together with them?

15 A. Not -- typically, no.

16 Q. Okay. When you're knocking down a door or
17 executing a warrant for an insurance investigator, do
18 you help them prepare an affidavit or did they -- are
19 they the sole ones who are responsible for that?

20 A. They do it.

21 Q. Okay. So there are no other functions that
22 you interface with the insurance investigators?

23 A. Not to my experience.

24 Q. Do you ever have joint training?

25 A. No.

1 Q. Okay.

2 A. Other than -- well I take that back. I'm
3 sorry. Not post-training, but we do have departmental
4 -- the sexual harassment training and some of the other
5 non-peace officer related training.

6 Q. And what would the non-peace officer related
7 training be?

8 A. Like sexual harassment or training, or
9 prevention training, EEO training because we're in the
10 -- and just some of the various departmental policy
11 training, overall department policy.

12 Q. You don't train at all on insurance
13 regulations or laws?

14 A. No.

15 Q. All right.

16 MR. ROSE: Objection. I just want to clarify
17 the statement about he doesn't train -- I think he was
18 answering with respect to in conjunction with special
19 investigators or insurance investigators.

20 THE WITNESS: I do receive training, but it's
21 not in conjunction with --

22 MR. MESSING: I understood his answer to be
23 that.

24 ALJ CLOUGHESY: You might have understood it,
25 but to be honest with you, I'm with Mr. Rose on that

1 one.

2 MR. MESSING: That's fine.

3 BY MR. MESSING:

4 Q. Okay. Now, how many fraud investigators do
5 you work with on a normal weekly basis?

6 A. I believe we have a staff of approximately 15.
7 That's approximate.

8 Q. Okay. Now, is your --

9 A. That's --

10 Q. Sorry.

11 A. That's my regional office.

12 Q. Okay. And that regional office is where?

13 A. Sacramento.

14 Q. Okay. And do you -- is it your experience
15 that the other fraud investigators have about the same,
16 more, or less interfacing with insurance investigators?

17 A. I would say approximately the same. There is
18 a new unit, point of sale unit, that are sworn.

19 Q. What's that called? I'm sorry.

20 A. Point of sale unit. And they are the sworn --
21 they are the ones that do most of the criminal
22 investigations on the investigations division side.
23 Those are fraud investigators also.

24 Q. All right. And as to the -- you're familiar
25 with associate insurance investigators? I think you

1 said yes?

2 A. I believe that's the lower class.

3 Q. Would your answers to any of the questions
4 that I asked about the interrelationship between your
5 classification and insurance investigator be any
6 different with respect to associate insurance
7 investigator?

8 A. No.

9 Q. Okay. You reference the point of sale. Is it
10 a unit? What would you call it?

11 A. I believe that's what it's called.

12 Q. Point of sale unit. Is it your understanding
13 that one of the purposes of this unit is to help convert
14 the insurance investigators from non-sworn to sworn
15 status?

16 A. I don't know.

17 Q. You don't know?

18 A. I don't know the purpose.

19 Q. Have you heard that from anyone?

20 A. No.

21 Q. Have you heard in your -- in the past three
22 years of any movement in the Department of Insurance to
23 move non-peace officer insurance investigators to become
24 sworn?

25 A. I know there's been a grievance filed for the

1 peace officers -- the non-peace officers that want to
2 remain peace officers, but I haven't heard what you have
3 asked.

4 Q. Yeah. I'm talking about on the part of the
5 Department, have you heard department representatives
6 discuss or indicate that they would like to convert
7 non-sworn insurance investigators into sworn peace
8 officers?

9 A. Not to -- what do you mean have I heard? Like
10 in a meeting or --

11 Q. Have you heard --

12 ALJ CLOUGHESY: The more official the better.
13 So I mean --

14 THE WITNESS: I don't know that several of
15 their officers have applied for our positions, but I
16 don't -- I haven't been in a meeting where it's been
17 said we're converting everyone to sworn, no.

18 BY MR. MESSING:

19 Q. Okay. I didn't ask about converting everyone
20 to sworn. I'm asking if you've heard about any efforts
21 by the Department or movement by the Department to take
22 some of the insurance investigators and convert their
23 positions into sworn positions?

24 A. Not to convert, no.

25 Q. Okay.

1 A. I have not heard that.

2 Q. Are you aware of efforts made in 2006 by CSLEA
3 to pass legislation to increase fines so that that would
4 fund initial fraud investigator positions?

5 A. Increase fines --

6 Q. For violations, insurance violations?

7 A. No.

8 Q. You haven't heard about that?

9 MR. ROSE: Objection. Asked and answered.

10 ALJ CLOUGHESY: Sustained.

11 BY MR. MESSING:

12 Q. Are you familiar with Assembly Bill 1401?

13 A. Yes.

14 Q. What does that bill do?

15 A. The portion that I'm familiar with increases
16 the assessment on certificates of authority for
17 insurance companies in California to -- well until last
18 week it was 5,100 per certificate of authority. And
19 that was to fund -- I believe the bill language stated
20 -- what was it. To -- for support of the fraud
21 division.

22 Q. And what do you understand support of the
23 fraud division to mean?

24 ALJ CLOUGHESY: We're not asking you to guess,
25 but I mean, do you know?

1 THE WITNESS: All the -- all the language
2 surrounding it has been for recruitment and retention.

3 MR. ROSE: I'm sorry. I didn't hear that.

4 THE WITNESS: The language we have been told
5 has been for recruitment and retention.

6 BY MR. MESSING:

7 Q. Of fraud investigators?

8 A. Yes. Fraud Division.

9 Q. And you're aware that CSLEA supported that
10 legislation?

11 A. No.

12 Q. But that legislation, as far as you know, was
13 passed into law?

14 A. Yes.

15 MR. MESSING: Nothing further at this time.

16 ALJ CLOUGHESY: Ms. Truong.

17 EXAMINATION BY MS. TRUONG:

18 Q. Just real quick. On page 2 of your
19 declaration, (inaudible) purposes of performing your
20 primary duty. What do you mean by primary duty?

21 A. Enforcing Penal Code Section 550.

22 Q. On page 6 of your declaration, you state in
23 paragraph 41 that you make felony car stops?

24 A. Yes.

25 Q. How often have you made felony car stops?

1 A. In my career or as --

2 Q. In your career.

3 A. As a reserve deputy for Sutter County --

4 Q. I'm saying as an investigator.

5 A. Let's see. We've -- in three years we have
6 done approximately five.

7 Q. And you participate in all of those?

8 A. Yes.

9 MS. TRUONG: No further questions.

10 ALJ CLOUGHESY: Mr. Rose, anything?

11 MR. ROSE: Yes.

12 EXAMINATION BY MR. ROSE:

13 Q. Do, to your knowledge, insurance investigators
14 make felony car stops?

15 A. No.

16 Q. Same question as to associate insurance
17 investigators?

18 A. No.

19 Q. What do you wear when you go to work in your
20 job?

21 A. I carry a Glock (ph) model 23, 40 caliber
22 pistol.

23 Q. What about clothing?

24 A. I typically wear tactical attire and -- and --
25 well I can give it to you. It's BTU pants, boots, a

1 shirt, typically a button front camp shirt to provide
2 concealment of my duty weapon. And I wear a badge. I
3 wear extra magazines, pepper spray, and on enforcement
4 days I wear a class three ballistic vest and 360 degree
5 viewable police identification, and also on enforcement
6 days I -- I'm a shotgun handler for my team.

7 Q. What is an enforcement day?

8 A. We just had two. Basically we go out and
9 arrest -- make our arrests or we do search warrants and
10 we -- we conduct -- we serve arrest or search warrants.

11 Q. And on -- have you ever seen an insurance
12 investigator you work with wear tactical attire?

13 A. Not the same as mine. They're not identified
14 as police. They're identified as investigator and they
15 don't wear body armor and they don't carry weapons.

16 Q. Are you wearing your badge now?

17 A. Correct.

18 Q. Could you show it to us, please?

19 A. I also have my duty weapon on.

20 Q. Would you show the Administrative Law Judge.
21 Do the insurance investigators wear a badge like that?

22 A. I believe they have badge, but it does not say
23 detective.

24 Q. Do the associate insurance investigators wear
25 a badge like that one?

1 A. I don't know.

2 Q. Do the -- to your knowledge do insurance
3 investigators work four tens like you do?

4 A. Actually they're virtual employees.

5 Q. What do you mean by that?

6 A. They don't have to come to the office at all.

7 Q. Telecommuters?

8 A. Yes.

9 Q. Do you know what the work schedule is of
10 associate insurance investigators?

11 A. They're also virtual, which --

12 Q. Do you have any employees -- excuse me.
13 Strike that. Are there -- are fraud investigators
14 virtual employees or telecommuters that you work with?

15 A. We are allowed to telecommute, but we are not
16 virtual's. Because of the requirements of the job and
17 interfacing with the California Law Enforcement
18 Telecommunication System, which is only at the office,
19 we have to go into the office.

20 Q. That's CLETS?

21 A. Correct.

22 Q. Do insurance investigators access CLETS?

23 A. Not to my knowledge.

24 Q. Do associate insurance investigators access
25 CLETS?

1 A. Not to my knowledge.

2 Q. The search warrants that are initiated by
3 insurance investigators, do you know who brings those
4 search warrants to the magistrate or judge for
5 signature?

6 A. Typically the insurance investigator.

7 Q. Okay.

8 MR. ROSE: Nothing further.

9 ALJ CLOUGHESY: Mr. Messing?

10 MR. MESSING: Yeah, just one other thing.

11 EXAMINATION BY MR. MESSING:

12 Q. Is it fair to say that both fraud
13 investigators and insurance investigators are involved
14 in enforcing the provisions of -- the regulatory code,
15 be it laws or other administrative regulations,
16 regarding the insurance -- the insurances in the State
17 of California? Is that a fair statement; that you're
18 both involved in enforcing the same regulatory scheme,
19 although you may have more emphasis on one area and they
20 may have more emphasis on another area?

21 A. So what's the question, please?

22 Q. Are you often engaged in enforcing the
23 regulatory scheme that is involved with the insurance in
24 the State of California?

25 MR. ROSE: Objection. Vague as to regulatory

1 scheme.

2 ALJ CLOUGHESY: Do you have an understanding
3 of what that is? You have a statutory scheme, but do
4 you also have a set of -- under the California Code of
5 Regulations that you are part of enforcing?

6 THE WITNESS: To my knowledge, I have no part
7 in the regulatory scheme. I -- I deal with the penal
8 code and the insurance code.

9 BY MR. MESSING:

10 Q. So you don't believe that the penal code is
11 part of the regulatory -- the regulation of the
12 insurance industry in California?

13 A. I believe that's the criminal code of the
14 State of California.

15 Q. And it doesn't have to do with regulation of
16 the industry?

17 MR. ROSE: Objection. Asked and answered. It
18 calls for a legal conclusion.

19 ALJ CLOUGHESY: It depends on what you're
20 saying is the regulatory scheme. I mean --

21 BY MR. MESSING:

22 Q. Well, I'm asking, you know, whether the laws
23 that you enforce deal with regulating the insurance
24 industry. That's a simple question.

25 ALJ CLOUGHESY: So now you have the word laws

1 thrown in there, so go ahead.

2 THE WITNESS: Section 550 deals with claimant
3 fraud. That's my primary duties and responsibilities,
4 and that would be an individual who's in violation of
5 550 would be committing a criminal act. I don't see how
6 that has anything to do with the regulatory scheme.

7 MR. MESSING: Okay. No further questions.

8 MR. ROSE: Nothing further.

9 ALJ CLOUGHESY: I have one question that was
10 -- you actually brought it up. You said you had 15
11 fraud investigators in the Sacramento regional office?

12 THE WITNESS: Approximately.

13 ALJ CLOUGHESY: And of those 15, were any of
14 them -- I'll use the word former -- insurance
15 investigators?

16 THE WITNESS: Yes.

17 ALJ CLOUGHESY: Can you kind of give me a ball
18 park, if you know?

19 THE WITNESS: Actually now thinking about it,
20 we probably have 18 to 20 people in the office, thinking
21 about it. But I know one -- and some of the people have
22 been there longer than I have, so I don't know --

23 ALJ CLOUGHESY: Okay.

24 THE WITNESS: But I know we do have --
25 actually, let me think where people sit. Two that I

1 know of for certain.

2 ALJ CLOUGHESY: Okay. And --

3 THE WITNESS: (Inaudible.)

4 ALJ CLOUGHESY: Do you know some that just
5 come straight over from already being a peace officer
6 for another agency?

7 THE WITNESS: Yes. That's where most
8 everybody comes from.

9 ALJ CLOUGHESY: Okay. Any further questions
10 based on those?

11 MR. MESSING: No.

12 MR. ROSE: No.

13 ALJ CLOUGHESY: Thank you very much, sir.

14 This is mine and we are off the record.

15 (A brief pause transpired.)

16 ALJ CLOUGHESY: Okay. We're back on the
17 record. We have another witness called by the
18 petitioner. I'm going to ask this witness to raise your
19 right hand. Do you swear or affirm the testimony you'll
20 be giving will be the truth, the whole truth, and
21 nothing but the truth?

22 THE WITNESS: I do.

23 ALJ CLOUGHESY: Please state your name for the
24 record, spelling your last name.

25 THE WITNESS: Michael Guter, G-U-T-E-R.

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CERTIFICATE OF SHORTHAND REPORTER

I, TERRIE CULP-SMITH, a Shorthand Reporter, do hereby certify that I am a disinterested person herein; that I reported the preceding in shorthand writing from the tapes that were provided to me; that I thereafter caused my shorthand writing to be transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceeding, or in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of February 2009.

Terrie Culp-Smith
Shorthand Reporter