

San Bernardino



OFFICE OF ADMINISTRATIVE HEARINGS

State of California

EXHIBIT / WITNESS LIST

OAH 23 (rev. 2/03)

OAH No. 2014040945  
 Agency No. 20140256

ALJ: ALJ Matyszewski

Agency / Complainant: CalPERS  
 Attorney / Rep.: Wesley Kennedy, Sr. Staff Counsel  
 Case Name / Respondent: Richard Lewis  
 City of San Bern. (no appearance)  
 Attorney / Rep.: John Michael Jensen, Atty

Marked for I.D.	Hearing Dates: 10-13-14, 10-14-14 Evidence Offered - (via Witness) 2-25-15, 2/26/15	Evidence Admitted Date - AH - Jurisdiction	Marked for I.D.	Evidence Offered - (via Witness)	Evidence Admitted Date - AH - Jurisdiction
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2.	WITHDRAWN	10-13	B. 2	cover letter w agreement & handwriting	2-10-13 all: 10/17
3.		10-13 jurisdiction	C. 3	S.B. Finance Inter-office memo	10-14
4.			D. 4	city 6-13-07 memo	10-13
5.			E. 5	same as C's Ex 6	—
6.			F. 6	same as C's Ex 8 + hw	10-14
7.			G. 7	7-5-07 CalPERS letter	10-13
8.			H. 8	same as C's Ex 14	10-13
9.			I. 9	10-26-12 CalPERS doc	10-13
10.			AH	Mr. Lewis's RW + CalPERS Reply	10-14
11.				Findings of Fact / law	10-14
12.				CalPERS letter to P	10-14
13.				P's Application	10-14
14.				CalPERS touchpt docs	10-13
15.				CalPERS letter	10-13
16.			ON	same as C's Ex 3	—
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18.	SB city Charter	2-25	R. 18	Resolution 1999-235	10-14
19.	Emails w. PERS + City	2-26	S. 19	" 1999-236	10-14
20.	Liability Calculations	2-26	T. 20	" 1999-252	10-14
21.	Election to Richard Suter	2-26	U. 21	" 1999-253	10-14
22.	Macro Spread Sheet Table	2-26	V. 22	" 2000-13	10-14
23.			W. 23	" 2000-333	10-14
24.			X. 24	" 2000-251	10-14
25.			Y. 25	" 2005-242	10-14

hw = handwriting  
 AH = admin hearing

26. 43	DPS OF PMK	2-25	4. 26	Resolution 2006-66	10-14
27. 44	10-19-14 LT for Tran	2-25	AA. 27	" 2008-454	10-14
28. 45	Public Records RQ	2-25	BB. 28	P's MO re: RJ/CE	10-13-Agent
29. 46	CalPERS PMD DPS	2-26	CC. 29	P's LT 10-6-14 u: RJ/CE	10-13-Agent
30. 47	P's notes re: job/MOU	2-26	DD. 30	Paystubs (2)	10-14
31.			EE. 31	Order of Ct - 10-10-14	10-13
32.			FF. 32	P's NOD w attachments	
33.			GG. 33	Duty Starts - Fire Capt	10-14
34.			HH. 34	" " - Batt. Chief	10-14
35. A	Lewis's Closing Brief	6-1	II. 35	Fire Safety Mou @ <sup>retirement</sup> <del>attest</del>	10-14
36. B	CalPERS Closing Brief	6-1	JJ. 36	2011 charges to #35 (Surreal) (10/13)	10-14
37.	CalPERS RQ for O.N.	6-1	KK. 37	Office w Red Cover Mou	10-14
38.	Lewis's Objection to or	6-16	LL. 38	DPS for Tran (PMK-Tran)	10-14
39.	CalPERS Response to Obj	6-16	MM. 39	Fax Cover Sheet + hnd	10-14
40.	Lewis's Reply Brief	6-15	NN. 40	DPS to Anthony Suire	2-25
41.	CalPERS Reply Brief	6-15	OO. 41	emails re: Suire DPS	2-25
42.			PP. 42	<sup>2-23-15</sup> Jensen's LT u: Suire DPS	2-25

COMPLAINANT WITNESSES		RELEASED	RESPONDENT WITNESSES		RELEASED
10/14	1. Lolita Lueras <sup>RPS III</sup> <sup>CalPERS</sup>	<del>10-14</del> 2-26	1.	Helen Tran <sup>City SB HR</sup>	2-26 10-14
	2. David Clement	2-26	2.	Laura Yavonicky <sup>City SB</sup> <sup>Procc</sup>	10-14
	3.		3.	Richard Lewis	2-26 10/14
	4.		4.	Stephanie Eastland <sup>SB aty</sup> <sup>atly</sup>	2-25
	5.		5.	Corey Glave <sup>@ atly</sup>	2-25
	6.		6.	Wendy McCamrack <sup>conclusion</sup>	2-25
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	8.		8.		
	9.		9.		
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	12.		12.		
	13.		13.		



**EXHIBITS**

Richard Lewis  
 Agency Case No. 2014-0256  
 OAH Case No. 2014040945

EXHIBIT		I.D.	EVID.
<b>JURISDICTIONAL DOCUMENTS</b>			
1	Statement of Issues April 22, 2014		
2	Notice of Hearing and Proof of Service April 23, 2014; Amended Notice of Hearing		
3	Letter from CASD to Mr. Lewis regarding reportable compensation May 8, 2013		
4	Letter of appeal from City of San Bernardino June 5, 2013		
5	Richard Lewis' Appeal July 8, 2013		
<b>EXHIBITS</b>			
6	Settlement and General Release Agreement (year 2007)		
7	Memo to Laura King Payroll Supervisor June 13, 2007		
8	Memo to Laura King Payroll Supervisor June 19, 2007 regarding settlement agreement		
9	Letter dated July 5, 2007 to Laura King regarding settlement agreement		
<del>10</del> 11	Disability Retirement Election Application October 9, 2012		
<del>11</del> 10	Email communication regarding final settlement payout 7/23/09		
12	Resolution No. 2007-345		
13	Memorandum of Understanding (MOU) January 1, 2003 – June 30, 2009		
14	Payroll Detail Reports 2003 to 2012		
15	Human Resources Job Descriptions		
16	Amendment to Contract January 2008		