

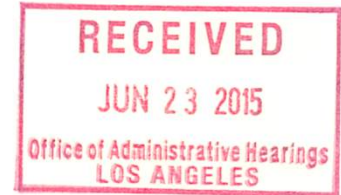
BEFORE THE BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
STATE OF CALIFORNIA
HUMBERTO FLORES, ADMINISTRATIVE LAW JUDGE

COPY

In the Matter of the Calculation)
of Final Compensation of:)
CASE NO. 2014-0681)

CHRISTINE F. LONDO,)
Respondent,) OAH NO. 2014070904)
and)

CITY OF WALNUT,)
Respondent.)
_____)



TRANSCRIPT OF PROCEEDINGS
Glendale, California
Wednesday, November 5, 2014

Reported by:

CLAUDETTE A. HENRY
Hearing Reporter

Job No:
3229OAH



Kennedy
COURT REPORTERS, INC.
920 WEST 17TH STREET
SECOND FLOOR
SANTA ANA, CALIFORNIA
92706

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
STATE OF CALIFORNIA
HUMBERTO FLORES, ADMINISTRATIVE LAW JUDGE

In the Matter of the Calculation)
of Final Compensation of:)
CASE NO. 2014-0681
CHRISTINE F. LONDO,)
Respondent,) OAH NO. 2014070904
and)
CITY OF WALNUT,)
Respondent.)
_____)

TRANSCRIPT OF PROCEEDINGS, taken at 655 North
Central Avenue, Suite 1400, Glendale, California,
commencing at 9:00 a.m. on Wednesday, November 5, 2014,
heard before HUMBERTO FLORES, Administrative Law Judge,
reported by CLAUDETTE A. HENRY, Hearing Reporter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

For the BOARD: RORY J. COFFEY
SENIOR STAFF COUNSEL
LEGAL OFFICE
400 Q STREET, ROOM 3340
SACRAMENTO, CALIFORNIA 95811

For the RESPONDENT: STEPHEN H. SILVER
ATTORNEY AT LAW
SILVER, HADDEN, SILVER & LEVINE
1428 SECOND STREET, #200
SANTA MONICA, CALIFORNIA 90401

MICHAEL MONTGOMERY
CITY ATTORNEY
CITY OF WALNUT
21201 LA PUENTE ROAD
WALNUT, CALIFORNIA 91789

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

COMPLAINANT'S Witness:	Direct	Cross	Redirect	Recross
Karin Zimmerman	8	22	52	58

RESPONDENT'S:

Christine Londo	61	80		
Thomas King	91	93		

E X H I B I T S

COMPLAINANT'S:	Marked for identification	Received in Evidence
----------------	------------------------------	-------------------------

1-7 - Jurisdictional Documents		7
8-14- Unidentified		61
15 - Circular letter	18	61

RESPONDENT'S:

A - Letter dated 1/13/10		97
B - Unidentified		97
C - Minutes dated 11/30/05		97
D - Walnut City Code		97

1 and happy to be. And in discussing the Matter with the
2 former mayor a moment ago, I don't believe that I have
3 any attorney/client problem at all.

4 Understanding that the City will go on whatever
5 the decision is and any conversations that I had with
6 the Applicant is between the two of us and not in any
7 counsel setting. I want to put that on the Matter.

8 THE COURT: All right.

9 MR. MONTGOMERY: But I think Chris would allow me.

10 MR. SILVER: Absolutely. She will.

11 MS. LONDO: Yes.

12 THE COURT: All right.

13 MR. MONTGOMERY: Okay.

14 THE COURT: Mr. Coffey, are you ready to proceed?

15 MR. COFFEY: I am, your Honor.

16 THE COURT: All right. Is there an opening
17 statement?

18 MR. COFFEY: I will waive opening remarks, your
19 Honor.

20 THE COURT: Mr. Silver, is there an opening
21 statement?

22 MR. SILVER: I will defer or I will waive. Right
23 now I will defer.

24 THE COURT: Mr. Montgomery, is there an opening
25 statement?

1 MR. MONTGOMERY: I suggest Chris wins and we could
2 leave.

3 THE COURT: Would you call your first witness or
4 present your documents?

5 MR. COFFEY: Yes, your Honor. At this time I'd
6 offer what has been previously marked as the CalPERS
7 Exhibits 1 through 7 for jurisdictional purposes. Those
8 are the documents that I believe set forth the nature of
9 the dispute and gives your Honor the authority to hear
10 and determine the Matter of this morning.

11 THE COURT: All right. They include statement of
12 issues, notice of hearing, proof of service, various
13 letters to and from CalPERS and a letter from Mr. Silver
14 and a letter from the City of Walnut.

15 Any objections to these document?

16 MR. SILVER: No objections.

17 THE COURT: All right. Any objection, Mr.
18 Montgomery?

19 MR. MONTGOMERY: No.

20 THE COURT: All right. They are admitted for
21 jurisdiction.

22 (Complainant's Exhibits 1 through 7
23 were received into evidence by the Court.)

24 MR. COFFEY: I'd like to call Karin Zimmerman.

25 THE COURT: All right. And for the record would you

1 state and spell your full name.

2 THE WITNESS: Karin, K-A-R-I-N; Zimmerman,
3 Z-I-M-M-E-R-M-A-N.

4

5 KARIN ZIMMERMAN,
6 called as a witness by the Complainant, was sworn by the
7 court reporter, and testified as follows:

8 THE WITNESS: I do.

9 THE COURT: Mr. Coffey.

10 MR. COFFEY: Thank you, your Honor.

11

12 DIRECT EXAMINATION

13 BY MR. COFFEY:

14 Q Good morning, Karin.

15 A Good morning.

16 Q By whom are you employed?

17 A CalPERS, California Public Employees'

18 Retirement System.

19 Q How long have been a CalPERS employee?

20 A Approximately seven and a half years.

21 Q And what is your current job title?

22 A I'm a retirement program specialist II.

23 Q How long have you held the retirement program
24 specialist II title?

25 A Approximately three and a half years.

1 Q Were you a retirement program specialist I
2 prior to that?

3 A Yes, I was.

4 Q Have you had different assignments within
5 CalPERS over the seven and a half years?

6 A I have worked in one unit only which is the
7 compensation review unit.

8 Q What does the compensation review unit of the
9 CalPERS do?

10 A We review payroll that has been reported to
11 CalPERS for retirement purposes to ensure that it
12 complies with the Public Employees' Retirement Law so
13 that employees can be paid appropriately.

14 Q Let me back up a little bit. What does CalPERS
15 do?

16 A CalPERS administers retirement benefits for
17 their members.

18 Q Service retirement, disability retirement?

19 A Correct.

20 Q Is the compensation review unit focused on one
21 type of benefit as opposed to another?

22 A No. Just anything that would need our review
23 that would come up to us we would review it.

24 Q Now, CalPERS obviously has state agencies that
25 have employees that are members of CalPERS, correct?

1 A Correct.

2 Q Are there members of CalPERS other public
3 agencies other than state agencies?

4 A Yes.

5 Q What are those agencies called?

6 A Public employers or public agencies.

7 Q Does the compensation review unit review
8 compensation paid to employees of state agencies?

9 A Yes.

10 Q Does the compensation review unit review
11 compensation or any compensation paid to employees of
12 public agencies or local public agencies?

13 A Yes.

14 Q When you first joined CalPERS and you started
15 in the compensation review unit, were you given any
16 training?

17 A Yes.

18 Q Tell us what kind of training you received?

19 A It was mostly hands-on training with the senior
20 analyst that had been there years longer than me. And
21 it was -- it would be we would review the payroll and
22 they walked me through the step by step process of how
23 to review and make the determination.

24 Q How long a period of time did that training
25 last?

1 A Oh, gosh. I don't remember the length of time.
2 Probably a few months.

3 Q Were you at some point given a case load, if
4 you will, for lack of a better term?

5 A Yes, I was.

6 Q How are retirement program specialists in the
7 compensation review unit given a case load or
8 assignment?

9 A Our management will review the amount of review
10 that comes in for different agencies throughout the
11 state and is usually based on county. So I -- so
12 currently I'm assigned to Los Angeles County. But
13 because it is so large some of those agencies are broken
14 out by different analysts. So it is really based on the
15 amount of work that comes in for the different agencies.

16 Q Currently then your case load assignments
17 start out based on a geographical factor?

18 A Yes.

19 Q And how long have you had your case load come
20 from public agencies from LA County?

21 A I believe it's been about three years now.

22 Q In the past let's say year, can you estimate
23 for us or give us an approximation of how many
24 individual compensation reviews you performed in a week,
25 a month?

1 A Reviews, I'm constantly reviewing payroll every
2 day. So I would probably say about 15 to 20 a week
3 that I review.

4 Q When you make 15 to 20 reviews per week on
5 average, do you always come up with some kind of
6 decision or determination?

7 A Yes. It may not be that day or that week
8 because a lot of times we need to receive information
9 from the employer that is -- that have the retiring
10 member that we are reviewing. But we will come to some
11 kind of determination.

12 Q If in a particular case involving a CalPERS
13 member and employee of a local public agency in LA
14 County if you make your review assessment and
15 determination, is there anyone above you that then
16 reviews your determination?

17 A Yes. In the case where I would deem that the
18 compensation does not comply with our law then my
19 management -- first in line manager would review my
20 case.

21 Q What if your determination was that the
22 compensation under review did comply with PERL?

23 A We do have quality assurance reviews as well
24 that our management does review a percentage for the
25 case that we complete?

1 Q Are you familiar with the Matter that brings us
2 here today compensation paid to Ms. Londo by the City of
3 Walnut?

4 A Yes, I am.

5 Q And how -- what is the basis of your
6 familiarity?

7 A I reviewed the case.

8 Q Are -- when or how was it that the compensation
9 paid by the City to Ms. Londo came to you for review?

10 A Well, we have some -- there is different
11 processes set in place for when payroll may -- there are
12 different triggers for when payroll may like a certain
13 amount or there may be a fluctuation of payroll then
14 those reviews will come to my unit just so that we can
15 ensure that it complies with our law.

16 That is what happens in this case. There was a
17 fluctuation in pay rate back in 2000 -- from 2005 it
18 went -- the pay rate went up. And then back in 2006 it
19 dropped down again. So our computer system recognized
20 the fluctuation and called for a compensation review
21 case.

22 Q Okay. What do you recall doing as part your
23 review of the compensation reported for Ms. Londo?

24 A Well, I had requested a pay schedule from the
25 City and the title of her position as well. And that is

1 basically in the initial request.

2 Q You say you requested a pay schedule from the
3 City why would you do that?

4 A That's typically the first -- that's when we --
5 after we look at the payroll, we check the publicly
6 available pay schedule to make sure that the pay rate
7 complies with the pay schedule. So that's typically the
8 first step in any review that I would do after printing
9 out the payroll looking at what has been reported.

10 Q Was the City able to provide you with what you
11 requested?

12 A They provided a pay schedule for Ms. Londo's
13 position of finance director slash city treasurer but
14 not for what they said that the position was she was
15 working in during that fluctuation which was interim
16 city manager. There was no pay schedule for that.

17 Q Okay. Could you take a look at the CalPERS'
18 exhibit packet. Beginning with what's marked as
19 Exhibit 8. Do you recognize that document?

20 A Yes.

21 Q What is Exhibit 8?

22 A That is the management salary schedule that was
23 effective July 2, 2005.

24 Q Was this provided to you by the City?

25 A Yes.

1 Q What, if anything, does this document Exhibit 8
2 tell us concerning Ms. Londo's position?

3 MR. SILVER: Objection. The document speaks for
4 itself.

5 THE COURT: Overruled.

6 THE WITNESS: So -- so it tells me that her position
7 of director of finance that the maximum amount that she
8 -- would have been reportable to CalPERS at that time
9 for that position was \$10,000.60 a month.

10 Q Did you receive any other pay schedules from
11 the City that would apply to Ms. Londo?

12 A Yes. Number -- Exhibit Number 9 is a similar
13 -- similar type document. It was just for the following
14 fiscal year state director or finance slash city
15 treasurer maximum was \$10,362 plus 250 a month stipend.

16 Q You also said that you asked the City for a
17 description of Ms. Londo's position?

18 A Yes.

19 Q Why would you do that?

20 A Because the -- I don't recall what the
21 retirement application stated. Basically when we review
22 a case the position title that we are assuming is the
23 position title at retirement is the one that list the --
24 that the member list on the retirement application. In
25 this case I don't recall what position title -- if she

1 wrote director of finance city treasurer or if she wrote
2 city manager at that time.

3 But I know there was a discrepancy with --
4 somehow I found out she was the interim city manager
5 working in that -- working as that capacity, and so it
6 conflicted with the management salary schedule that they
7 gave me.

8 Q Could you turn to what has been marked as
9 Exhibit 10. Do you recognize that document?

10 A Yes.

11 Q Was Exhibit 10 provided to you by the City?

12 A Yes.

13 Q Did you consider the information contained in
14 or on Exhibit 10 as part of your review and analysis in
15 this Matter?

16 A I did.

17 Q And what use, if any, did you use with the
18 information contained on Exhibit 10 in your ultimate
19 determination in this Matter?

20 A Well, based on this information, I was able to
21 reconcile the payroll that had been reported because it
22 was \$5,000 a month over the maximum on the management
23 salary schedule we had previously discussed in Exhibits
24 9 and 10. I was able to reconcile why there was a
25 \$5,000 difference. And then when reading what the

1 difference was for, I was able to determine then that it
2 was not reportable to CalPERS.

3 Q Do you know if Ms. Londo continued to work for
4 the City at any time after the 2005-2006 year?

5 A Yes, she did. She continued -- she continued
6 to work as the director of finance. And then I believe
7 she went to West Covina to assist the city manager at
8 the very end.

9 Q So the only matter in dispute for CalPERS
10 purposes is that the \$5,000 per month paid to Ms. Londo
11 during the period 2005 to 2006 for her additional duty
12 serving as interim city manager?

13 A That is correct.

14 Q From your review were you able to confirm or
15 ascertain whether the City during that time frame 2005
16 to 2006 continued to report a salary or compensation for
17 Ms. Londo in her position as treasurer?

18 A Yes. So the documents that I received stated
19 that the treasurer is actually -- I don't know how
20 exactly to explain this. But the finance director also
21 does the duties of city treasurer. So it is one --
22 basically one position that was approved by the City.

23 Q Okay. Ms. Zimmerman, are you familiar with
24 CalPERS circular letters?

25 A Yes. Some of them, yes.

1 Q What is a Calipers circular letter?

2 A This is a clarification explanation of some
3 questionable -- some -- not questionable -- some issues
4 that may come up that employers have questions on. It's
5 kind of a blanket newsletter, if you will, to all of our
6 employers to let us -- to let them know that this is,
7 you know, this law was approved, and so this is what
8 that mean to us.

9 Q Okay. Your Honor, can I have this next
10 four-page document marked as CalPERS next. I think that
11 is 15.

12 THE COURT: It's been so marked.

13 (Complainant's Exhibit 15 marked for
14 identification by the Court.)

15 MR. SILVER: Can I get a copy, please?

16 MR. COFFEY: Sure.

17 THE COURT: Just marked for identification. And
18 copy for Mr. Montgomery since he's representing the
19 City.

20 MR. COFFEY: If we can take a five-minute break, I
21 will get one, two --

22 THE COURT: Sure. You can get it afterwards. Well,
23 maybe you we should get it now. We are off the record.

24 (Off the record.)

25 THE COURT: We are back on the record.

1 BY MR. COFFEY:

2 Q Ms. Zimmerman, I'm going to ask you to take a
3 look at what's now marked as Exhibit 15. Do you
4 recognize that document?

5 A I do.

6 Q And is that a recent circular letter
7 distributed by CalPERS?

8 A It is, yes.

9 Q Can you turn to page 3 of Exhibit 15. There is
10 heading at the top of the page, "Temporary" --

11 A "Upgrade pay."

12 Q Are you familiar with the CalPERS statute and
13 regulation that pertains to temporary upgrade pay?

14 A Yes.

15 Q Would you read the material under that heading
16 to yourself.

17 A Yes.

18 Q Finished?

19 A Yes.

20 Q Okay. Not that I will suspect you will
21 contradict the authors of Exhibit 15 but to your own
22 experience applying the regulations, does what we find
23 in that heading under temporary upgrade pay, correct?

24 A Yes.

25 Q In your review and your analysis and

1 determination regarding the \$5,000 per month paid by the
2 City to Ms. Londo for her service as the interim city
3 manager, would that compensation be acceptable to
4 CalPERS as temporary upgrade pay?

5 A No.

6 Q Why?

7 A Because she did not leave her position of
8 finance director city treasurer and work solely as a
9 city manager. She did -- took on additional duties as
10 the interim city manager and continued to work full time
11 for finance -- finance director treasurer position.

12 Q For a CalPERS members service retirement
13 benefit, can CalPERS use or does CalPERS use
14 compensation that would be considered overtime pay?

15 A No.

16 Q Why not?

17 A It is clearly defined as being excluded by our
18 law by Government Code 20635 I believe.

19 Q You made a determination in this Matter,
20 correct?

21 A Yes.

22 Q And part of the determination was to disallow
23 the \$5,000 per month, correct?

24 A Correct.

25 Q Did you have your own determination reviewed by

1 anyone in your management structure?

2 A Yes.

3 Q And who is that?

4 A My manager Mary Peterson.

5 Q And did your -- did that first line review
6 result in any change in your determination?

7 A No.

8 Q Okay. Then what happened? When you made your
9 determination there is a first line management review,
10 there is no change, what happens then?

11 A Then I proceed to write the determination
12 letter.

13 Q Okay. Could we turn to let's say Exhibit 4.
14 Do you recognize that exhibit?

15 A Yes.

16 Q Did you create the original of which Exhibit 4
17 is a copy?

18 A I did, yes.

19 Q The letter is signed by Tomi Jimenez. Who is
20 Ms. Jimenez?

21 A At the time Tomi was the second in command --
22 well, she was my first level manager's manager at that
23 time, the staff services manager 2.

24 Q Would -- typically would a determination letter
25 such as Exhibit 4 be signed by a compensation review

1 unit manager rather than someone at your level the
2 retirement program specialist II level?

3 A Yes. It is always signed by the manager at the
4 staff services manager II level as long as they are
5 available to sign this, yes.

6 Q But the document this is a document you
7 created?

8 A Correct.

9 Q Following all of your review, analysis,
10 determination?

11 A That's correct.

12 Q Okay. So Exhibit 4 would set forth in essence
13 your rationale in making the determination?

14 A Yes.

15 MR. COFFEY: Thank you, Ms. Zimmerman.

16 THE COURT: Cross-exam?

17 MR. SILVER: Thank you.

18

19 CROSS-EXAMINATION

20 BY MR. SILVER:

21 Q Ms. Zimmerman, let's talk about that circular
22 letter. What is the date of the circular letter?

23 A October 27, 2014.

24 Q So it was written about a week ago, right?

25 A Something like that. Couple -- well, it was

1 distributed about a week and a half ago.

2 Q And did I hear you correctly when you said the
3 purpose of circular letter is to essentially communicate
4 information and clarify confusion to contracting
5 agencies they -- you made sure they are complying with
6 the law?

7 A That's correct.

8 Q So evidently at the time this was written in
9 2014, would it be fair to say that CalPERS -- that there
10 was some confusion about what constituted temporary
11 upgrade pay?

12 A There was not confusion about what constituted
13 it but that employers were attempting to report
14 temporary -- compensation coded as temporary upgrade pay
15 that was not temporary upgrade pay.

16 Q Now, what information did you have about the
17 duties that Ms. Londo actually performed during
18 2005-2006 at the time you made your determination?

19 A I don't know that I had a duty statement or any
20 -- I think that all I had was the exhibit -- exhibit
21 basically Exhibit 10 which states she's willing to
22 retain her current finance director position, title,
23 duty, and salary. And in addition she will agree to be
24 compensated in the additional sum of \$5,000 a month with
25 a commensurate benefit of performing the duties of city

1 manager.

2 Q So that was the only information you relied
3 upon; is that correct?

4 A I believe so.

5 Q Directing your attention to Exhibit 4 page 3
6 the very end of first paragraph starting with the word
7 furthermore. Could you read that to yourself? Exhibit
8 4 page 3. And the end of the first paragraph.

9 Again, you testified that you authored this
10 letter; is that correct?

11 A Correct.

12 Q What information did you have to base your
13 assertion in this letter that she did not assume the
14 upgraded position of city manager?

15 A The approved agenda item as I already -- that
16 we just talked about whatever exhibit that was.

17 Q That says she's going to be interim city
18 manager?

19 A That said she was going to continue to be the
20 finance director and perform additional duties of city
21 manager.

22 Q What document are you talking about?

23 A Exhibit 10.

24 Q Okay. Let's see.

25 A It is item 12 from Michael Montgomery.

1 Q Well, doesn't that say she will be performing
2 the additional duties of city manager? Not some
3 additional duties?

4 A I so -- so you are asking about the word
5 "some"?

6 Q I'm asking you what it says. Doesn't it say
7 that she will be compensated an additional amount of
8 \$5,000 commensurate benefits for performing the
9 additional duty of city manager.

10 A It does say the addition duty as city manager.

11 Q Now, your -- you have been doing this for a
12 while and you are familiar with the definition of
13 compensation earnable, right? And you have referenced
14 certain sections. Are you familiar with the provisions
15 of Section 20635 of California Government Code?

16 A That is the overtime provision I believe.

17 Q Well, I'm asking if you are familiar with the
18 Section 20635?

19 A Yes, I believe that's the overtime provision.

20 Q And are you familiar with the sentence in
21 Section 203 -- just to refresh your recollection if you
22 have the book in front you. Go to page 4 of Exhibit 1
23 that may help.

24 A I'm there.

25 Q Okay. Could you read just read the second to

1 last sentence out loud, please?

2 A "If two or more" -- wait a minute. "Two or
3 more positions of permanent and full-time positions with
4 the highest pay rate or base pay shall be reported to
5 the system. This provision shall apply only to service
6 rendered on or after July 1, 1994."

7 Q So if Ms. -- and would it be fair to say that
8 the previous sentence says that if somebody has two
9 positions one of which is part time you only consider
10 the full-time position pay; is that correct?

11 A Yes.

12 Q Okay. So based upon a one small paragraph
13 letter without doing any investigation as to what Ms.
14 Londo actually performed and what she did, you concluded
15 she was not occupying two full-time positions; is that
16 correct?

17 A Correct.

18 Q Okay. And you had no another information upon
19 which you based your conclusion on the memo you
20 described before, correct?

21 A I don't believe so. It is possible there was
22 some e-mails, but I don't recall for sure about that.

23 Q Did you ever talk to any representative at the
24 City of Walnut such as Mr. Montgomery or anybody else to
25 find out what Ms. Londo actually did during that

1 one-year period?

2 A I don't recall. Again, it is possible that
3 there were e-mails.

4 Q But you don't recall talking to anybody?

5 A I know that I talked to somebody in payroll at
6 least payroll and/or the HR department. We normally
7 contact the payroll technicians or supervisors and
8 someone -- an HR technician. That's normally who we
9 would --

10 Q Did you talk to anybody about --

11 THE COURT: Wait a minute. Let her finish her
12 answer before you ask your subsequent question.

13 THE WITNESS: Normally we do not talk to higher
14 level people at the agency. So I -- normally I probably
15 would not have talked to the city attorney. And in this
16 case I did not talk to the city attorney.

17 BY MR. SILVER:

18 Q Would you have talked to anybody in the City of
19 Walnut who was there in 2000 -- between November 2005
20 and November 2006 to find out exactly what Ms. Londo was
21 doing at that time?

22 A The only person that I talked to that I believe
23 was there at that time that I know for sure was there at
24 that time was Ms. Londo herself over the phone.

25 Q Did she tell you she was only working part time

1 as city manager?

2 A I don't know that that came up.

3 Q So if, in fact, she was working as a full-time
4 city manager and a full-time director of finance,
5 etcetera, would it be fair to say that under the
6 sentence that you read in Section 20635 it would be
7 appropriate to include the highest pay rate, which would
8 have been the pay rate of city manager?

9 MR. COFFEY: Objection. Lacks foundation.
10 Incomplete hypothetical.

11 THE COURT: Overruled.

12 THE WITNESS: If the -- if they are actually -
13 another part of the problem that we had with this there
14 wasn't a pay schedule for the city manager at all for
15 the previous.

16 MR. SILVER: Move to strike as nonresponsive.

17 THE COURT: Ask your question again.

18 BY MR. SILVER:

19 Q The question is if, in fact, Ms. Londo was
20 performing the full-time position of city manager and
21 the full-time position of the director of finance, would
22 that have been consistent with the sentence -- the
23 second to last sentence of 20635?

24 A It is possible if that position was an actual
25 position listed on a publicly available pay schedule.

1 Q Now CalPERS doesn't perform audits on a regular
2 basis on contracting agencies like the City of Walnut,
3 do they not? Does it or not?

4 A Yes, they do.

5 Q Which section of CalPERS does the audits?

6 A The office of audit services I believe.

7 Q And what is the purpose of an audit?

8 A The purpose of an audit is to make sure that
9 the -- our public agencies or employers are reporting
10 compensation properly, that complies with our law, that
11 are enrolling members timely, that everything that they
12 are -- every piece that they would have in CalPERS would
13 comply with our CalPERS law.

14 Q How frequently does -- is a local agency
15 audited, roughly?

16 A I don't know.

17 Q Would it be fair to say that during let's say a
18 25-year period it would have been audited at least once?

19 A It's possible.

20 Q Well, is it likely that it would have been
21 audited during at least once in a 25-year period?

22 A I don't work in the audit. I have never worked
23 in audit services so I don't know what their ratio is or
24 what the probability of somebody being audited would be.

25 Q To your knowledge did anybody in the audit

1 section ever communicate that the pay schedules used by
2 the City of Walnut were not appropriate for the city
3 manager, were not appropriate?

4 A I don't know that that conversation has ever
5 come up with me. So I don't -- I'm -- to my knowledge
6 that is never --

7 Q Would it be fair to say that had PERS audited
8 the City of Walnut and determined or found that the pay
9 or pay rate of a city manager was not properly or
10 publicly disclosed it would have informed the City of
11 Walnut and the City or Walnut would have then corrected
12 it? Would that -- would that be what you expect?

13 A That would be a typical outcome.

14 Q Now, directing your attention to Exhibit 12.
15 I'm sorry. I may have the wrong exhibit here. Can you
16 take a look at page -- I lost my page. Bear with me for
17 a moment. Okay. Could you take a look at schedule A of
18 Exhibit 12. It is not numbered. Okay.

19 And this would be the salary schedule effective
20 July 1st, 1988, correct?

21 A Correct.

22 THE COURT: Let's see. Exhibit 12 you said. What
23 page is it?

24 MR. SILVER: It is schedule A. It doesn't have a
25 page number. It is near the end. It is about the third

1 or fourth page from the end. Fourth page from the end.

2 THE COURT: All right.

3 BY MR. SILVER:

4 Q Does this purport to be a pay -- a salary
5 schedule for management position in the City of Walnut
6 or just positions in the City of Walnut?

7 A Yes.

8 Q Do you see any description of the position for
9 city manager on that -- on that salary -- on the pay
10 schedule?

11 A No.

12 Q And that's consistent with what you observed in
13 2005 and in 2006, correct?

14 A Correct.

15 Q And to your knowledge has the City of Walnut
16 ever included the position of city manager on any salary
17 schedule?

18 A Well, I have looked at three possibly four
19 throughout the lifetime of the City. So on those I
20 don't believe the city manager was included. But I
21 can't speak to any others.

22 Q So the omission of when Ms. Londo was the city
23 manager was not something that was unique to her, would
24 that be a fair statement?

25 A Yes.

1 Q Okay. And, in fact, the salary that or the pay
2 rate that was reported by the City of Walnut to CalPERS
3 during Ms. Londo's tenure as city manager reflected her
4 actual salary of \$15,060, the \$10,060 plus the \$5,000;
5 is that correct?

6 A That is what was reported to us.

7 Q So nobody was hiding anything from CalPERS were
8 they?

9 A Correct.

10 Q And contributions were paid on that; is that
11 correct?

12 A Of course, yes.

13 Q Now, when did this file come to your attention?

14 A Soon after she applied for her retirement I
15 believe. I'm not sure -- looks like she applied for
16 service on -- service retirement on June 18, 2013,
17 within a service effective retirement date of
18 September 14, 2013.

19 Q And when was the first time CalPERS
20 communicated to Ms. Londo that it would not allow the
21 salary she received as city manager to be counted as her
22 final compensation?

23 A I don't remember the exact date.

24 Q Isn't it true it was after she retired?

25 A I don't -- I don't remember.

1 Q You don't remember?

2 A I don't remember.

3 Q Now, let me show you a document I have. I'd
4 like to have this marked. I guess this is our exhibit.
5 We probably should use letters. I got Exhibit A and
6 show you this. For the record this is a letter from the
7 member services division of CalPERS to Ms. Londo dated
8 January 13, 2010.

9 Isn't it true that one of these services
10 CalPERS provides to its members is estimate of what
11 their pensionable income would be and their retirement
12 allowance would be if they were to retire at a
13 particular time?

14 A That's correct.

15 Q And directing your attention to Exhibit A,
16 would that appear to be an estimate as to -- from
17 CalPERS as to what Ms. Londo's final compensation would
18 be if she were to retire at that time?

19 A Yes.

20 Q And based upon your knowledge of the situation,
21 just trying to save some time, would it be fair to say
22 that CalPERS was telling Ms. Londo at that time it would
23 use the final compensation that was reported while she
24 was city manager?

25 A I don't know that this would constitute a

1 guarantee. But it says that we have calculated a
2 12-month final compensation of \$15,568.90.

3 Q All I really wanted to know is the compensation
4 that is contained in this letter. The letter will speak
5 for itself as to what it does. Is that consistent with
6 the salary she earned as city manager between November
7 2005 and November 2006?

8 A It is specific with what the City reported in
9 the payroll system, yes.

10 Q And this is what CalPERS had determined as of
11 January 2010, correct?

12 A Yes.

13 THE COURT: Excuse me. Your question asked whether
14 the \$15,568 was for her services as city manager. Am I
15 correct in assuming it was for both city manager and
16 finance?

17 MR. SILVER: For both city manager and finance.

18 THE COURT: I just want the record to be clear.

19 MR. SILVER: Thank you, your Honor.

20 BY MR. SILVER:

21 Q But it was the salary she earned during that
22 time period where she occupied those two positions,
23 correct?

24 A Correct.

25 Q Let me should you another document. This is a

1 -- I think is six-page document. I am going to change
2 these from numbers to letters. I will offer this
3 Exhibit B. This is a six-page document. It purports to
4 be a written communication to Ms. Londo from CalPERS
5 dated January 18th, 2013.

6 And I would like to have that marked as Exhibit
7 B. Have you seen, Ms. Zimmerman, documents like this
8 before?

9 A I have seen documents like this before.

10 Q Would it be fair to say this is more
11 descriptive and specific communication from CalPERS
12 notifying Ms. Londo what her financial compensation and
13 her retirement allowance would be if she were to retire
14 around the time of the date of the letter?

15 A Yes.

16 Q Okay. Now again does this shows that CalPERS
17 is telling her that it would -- it would regard her
18 final compensation, I'm directing your attention to page
19 2, as being \$15,586.47 a month?

20 MR. COFFEY: Objection. Argumentative.

21 THE COURT: Overruled.

22 THE WITNESS: The letter states that the final
23 compensation amount was \$15,586.47.

24 BY MR. SILVER:

25 Q This is what CalPERS is telling her it is

1 determined. Directing your attention to page 3. Does
2 that communicate to her what her actual allowance
3 would be depending upon which various options she
4 selected?

5 A Yes.

6 Q And the same with page 4, correct?

7 A Correct.

8 Q Okay. Now, I believe you said before that you
9 don't remember communicating to Ms. Londo before she
10 retired that the information being provided by -- to her
11 by CalPERS would be the actual information that CalPERS
12 would use; is that correct?

13 A I -- correct, yes.

14 Q Okay. Now, is it your experience that, if you
15 have any knowledge, that when people are making a
16 decision as to whether or not to retire they -- one of
17 the things they rely upon is what their anticipated
18 allowance would be and whether that would enable them to
19 maintain a desired standard of living?

20 MR. COFFEY: Objection. Lacks foundation.
21 Incomplete hypothetical.

22 THE COURT: Would you rephrase, please.

23 BY MR. SILVER:

24 Q In your experience in dealing with individuals
25 who are members of CalPERS, is it your understanding

1 that one of the critical factors people rely upon to
2 determine whether or not they should retire at a
3 particular time is what they believe their retirement
4 allowance would be?

5 A Yes.

6 Q And I assume one of the reason for that is to
7 make sure they can have sufficient income to enable them
8 to maintain their desired standard of living, would that
9 be a fair statement?

10 A I would assume so.

11 Q Okay. Now, had Ms. Londo known that CalPERS
12 was going to change its determination of what her final
13 compensation had she been given that information before
14 she retired she could have among other choices decided
15 to not retire and take certain actions that could allow
16 her to achieve the desired pension; is that correct?

17 MR. COFFEY: No question pending. And it is
18 argumentative.

19 THE COURT: I will sustain.

20 BY MR. SILVER:

21 Q Had Ms. Londo known before she retired that
22 CalPERS was going to use a different final compensation
23 period she could have chosen not to retire and continue
24 her employment; is that correct?

25 MR. COFFEY: Objection. Calls for speculation.

1 THE COURT: Sustained.

2 BY MR. SILVER:

3 Q In your letter you rely quite a bit upon this
4 regulation propounded by CalPERS Section 570.5 of the
5 California Code of Regulation; is that correct?

6 THE COURT: Are we talking about Exhibit 15 or are
7 we talking about another?

8 MR. SILVER: No, we are talking about -- if you look
9 at the letter that she authored which is Exhibit 4.

10 THE COURT: Exhibit 4. All right.

11 MR. SILVER: You will see on page 1 -- she's --
12 Section 570.5 is quoted at length.

13 BY MR. SILVER:

14 Q My question is: isn't it true that Section
15 570.5 was enacted well after Ms. Londo served as city
16 manager?

17 A It was not enacted after. It was a clarifying
18 regulation.

19 Q When was the regulation written and adopted by
20 CalPERS?

21 A The clarifying regulation I believe was adopted
22 in 2012, 2011, 2012.

23 Q Somewhere around that time; is that correct?

24 A Yes.

25 Q And that is five, six years after Ms. Londo

1 served as city manager; is that correct?

2 A Yes.

3 Q Okay. Now, just out of curiosity you seem to
4 be concerned that the salary of city manager was not
5 contained on a particular salary schedule that -- that
6 you have referenced in these exhibits; is that correct?

7 A Yes.

8 Q Okay. Isn't it true that the retirement
9 contribution paid by both employee and employer are
10 based upon the definition of compensation earnable or
11 their percentage of compensation earnable; is that
12 correct?

13 A They are a percentage -- what we receive as
14 contribution are a percentage of what employees have
15 reported to us.

16 Q As compensation earnable?

17 A It does not necessarily mean that that would
18 comply with the compensation earnable law.

19 Q The law says that the percent -- forget about
20 what the employees did. The law basically says that
21 retirement contributions are calculated as a percentage
22 of compensation earnable, correct?

23 A Correct.

24 Q And I assume that if you are concerned about
25 Ms. Londo's salary as city manager not being on a

1 publicly available pay schedule wouldn't that apply to
2 every city manager in Walnut from 1988 on as far as you
3 know?

4 A I would assume so.

5 Q Now, with respect to those other city managers,
6 she was the only city manager for one year at that time.
7 Has CalPERS taken any action to communicate to them that
8 retirement contributions were paid on an inappropriate
9 amount of income because it was not on a publicly
10 available pay schedule, and therefore they should be
11 refunded the retirement contributions that were
12 improperly paid?

13 MR. COFFEY: Objection. Relevance.

14 MR. SILVER: I think it is very relevant.

15 THE COURT: Overruled. I didn't ask for argument.

16 MR. SILVER: I'm sorry, your Honor.

17 THE WITNESS: Can you repeat the question a little
18 bit shorter this time?

19 BY MR. SILVER:

20 Q With respect to other people who served as city
21 manager from 1988 until the present because their
22 salaries were not on the pay schedule that you have
23 talked about, did CalPERS determine that their
24 compensation earnable was improperly calculated and
25 therefore they paid contributions on an inappropriate

1 amount of money?

2 A I do not know. I do not know if we've ever --
3 if my unit has ever reviewed another city manager from
4 the City of Walnut or this has ever come up.

5 Q Did you ever review to find out whether people
6 have overpaid instead of over reported instead of under?

7 A I'm sorry.

8 Q Did you ever -- did you ever review to see if,
9 in fact, a retiree's pension is too low or is -- or a
10 retiree's contributions are too high or do you only go
11 after the other result?

12 A I review what is submitted to my unit for me to
13 review. If a member were to call in and say that they
14 think that they are being underpaid, then I would
15 review. If a member were to call in and say they think
16 they are being overpaid, then I would review that. I
17 review anything that comes up that could be a
18 discrepancy whether over or under.

19 Q Would this have brought to your attention the
20 fact that city managers from 1988 forward were reporting
21 and paying contributions on an inappropriate amount of
22 compensation earnable?

23 A I --

24 Q Would that have a green light, red flag,
25 whatever you call that?

1 A That would have been something my management
2 would have had to make a call on.

3 Q So you didn't bring it to anybody's attention?

4 A That is not something -- you know, I had two
5 levels of management plus review of this case, so.

6 Q You didn't bring that fact to anybody's
7 attention, did you?

8 A I don't recall if I did.

9 MR. SILVER: I have no further questions.

10 THE COURT: Redirect?

11 MR. COFFEY: Thank you, your Honor.

12 THE COURT: I'm sorry. Mr. Montgomery.

13 MR. MONTGOMERY: Thank you.

14

15 BY MR. MONTGOMERY:

16 Q I want to turn to your memo of October 27,
17 2014, and ask you is this -- when you get to page 2 is
18 that a statement of then existing policy within the
19 department -- pardon me, I'm guess I'm on page 3. Page
20 3 temporary upgrade pay.

21 MR. COFFEY: You are talking about the circular
22 letter?

23 MR. MONTGOMERY: Yes. Pardon me.

24 THE WITNESS: I'm sorry. Repeat your question?

25 ///

1 BY MR. MONTGOMERY:

2 Q The statement on temporary upgrade pay in the
3 October 27, 2014, last week's circular letter. Is that
4 a statement of preexisting policy or is that a new
5 policy?

6 A It is preexisting.

7 Q Is what?

8 A It is preexisting.

9 Q Preexisting. So why was there a need to state
10 it in writing then at this time?

11 A I'm not sure. I did not compose this letter.
12 And I -- that is something that my management would need
13 to be asked. I don't know.

14 Q Okay. If it is -- if you say this statement is
15 preexisting condition, take a look at the fourth
16 sentence in the paragraph, "Compensation to employees
17 were required by their employer to work in an ungraded
18 position."

19 Do you have a definition anywhere that she
20 used for required?

21 A No.

22 Q In other words would you find it to be
23 different for an employee who volunteers in a position
24 and not required. I want to know how strong this word
25 "required" is in your department?

1 A I don't know if it ever even come across as one
2 that volunteers. But I would think that it would be --
3 there would be a difference -- there could be a
4 difference in our review.

5 Q If you were to learn that Ms. Londo was asked
6 to act as acting city manager was not ordered to do so,
7 was asked if she would be willing to do it. Would that
8 make a difference in determination of the circular?

9 A In the determination of my letter.

10 Q No, no. The circular?

11 A So if she was asked, would the circular letter
12 change my determination, is that what you are saying?

13 Q Would you find that she was not required and
14 this paragraph might not apply?

15 A I would think then that it really wouldn't be
16 available to her. I mean if we were going to have me
17 guess I --

18 Q No, no. I want you to go on your experience in
19 department?

20 A My thought would be then if it was voluntary,
21 then this entire regulation would not apply to her at
22 all because it was voluntary.

23 Q So if you find that she voluntarily took a
24 position, this regulation is not going to apply?

25 A It is possible. I would need to run it by

1 management. I really can't make that call.

2 Q Okay. Then also I need you to define limited
3 duration for me? What is limited duration? Is there a
4 definition for that?

5 A It is a case by case basis. We like to see
6 about a year or less if possible, but it depends on
7 every circumstance.

8 Q So a year would not be a limited duration?

9 A A year would be a limited duration. It is case
10 by case.

11 Q What is it? A year and a day, do you know?

12 A I don't know.

13 Q So there is no definition in the department for
14 limited duration?

15 A No, it is case by case.

16 Q All right. A little vague is it?

17 MR. COFFEY: Objection. Argumentative.

18 THE COURT: Sustained.

19 BY MR. MONTGOMERY:

20 Q Now, I want you to go to page 4 the end of the
21 first paragraph where it says the pay schedule excluded
22 when calculated a member's retirement benefit if it
23 doesn't meet the eight test, which they listed above; is
24 that correct?

25 A Correct.

1 Q Isn't it the department's position that if
2 there is not a public pay schedule you are not going to
3 pay it?

4 A If there is not a publicly available pay
5 schedule, we will determine the pay amount reported.
6 Whenever the agency doesn't provide a publicly available
7 pay schedule as defined in CCR 570.5 CalPERS will
8 determine that the pay amount reported fail to meet the
9 definition of pay rate as provided and in GC Section -
10 Government Code Section 20636-B-1, 20636.1B-1, and
11 7522.4A and will therefore be excluded when calculating
12 a member's retirement benefit.

13 So that -- the way that's written says that the
14 -- to me it says that the -- if an amount that is in
15 question does not -- or a pay rate that's in question
16 does not comply with the publicly available pay
17 schedule, then it wouldn't be allowed to be included in
18 a retirement benefit.

19 Q But my question was what if the retiree has no
20 control over the publication of the pay schedule?

21 A Well --

22 Q Let me give you example. I was in a city this
23 weekend that has 5,000 population and the city manager
24 makes 244,000 a year. They don't publish that. It has
25 become a political issue in the election. So suppose

1 I'm city attorney and considered that a political thing.
2 I tell payroll don't publish the city manager's salary.
3 It is too political.

4 Does that mean that Ms. Londo is going to lose
5 her retirement benefit because I prevented it from being
6 public?

7 MR. COFFEY: Objection. Lacks foundation.
8 Incomplete hypothetical. Calls for speculation.
9 Argumentative. And irrelevant.

10 THE COURT: I think that it does call for
11 speculation here. Would please rephrase your question.

12 MR. MONTGOMERY: All right.

13 BY MR. MONTGOMERY.

14 Q Where you say, "Will therefore be excluded when
15 calculating a member's retirement that", do you know of
16 any examples where that clause has not been enforced?

17 A Where it has not been enforced?

18 Q Yes.

19 A Meaning that we will allow a pay rate that is
20 not on a pay schedule then?

21 Q Yep.

22 A I don't know off the top of my head.

23 Q All right. What would be, if you know, Ms.
24 Londo's avenue of relief of what, in fact, did occur
25 where there was a pay schedule for the city manager for

1 the City of Walnut what is her position to recover the
2 salary she was actually paid?

3 MR. COFFEY: Objection. Improper cross-examination.

4 THE COURT: I will sustain.

5 BY MR. MONTGOMERY :

6 Q In other words, there is not provision then for
7 appeal?

8 MR. COFFEY: There is no question pending.

9 MR. MONTGOMERY: That was a question.

10 MR. COFFEY: Same objection.

11 THE COURT: Sustained. Would you ask a question,
12 please.

13 BY MR. MONTGOMERY:

14 Q Do you know of any appeal from a finding that
15 the employee would be denied compensation because the
16 city didn't publish the title in its pay schedule?

17 MR. COFFEY: To the extent it calls for a legal
18 opinion I object on that basis.

19 THE COURT: Overruled.

20 THE WITNESS: Off the top my head, I don't know.
21 I'm not the -- there are 20 something analysts in my
22 unit. I don't know what everybody is work on.

23 BY MR. MONTGOMERY:

24 Q Has anybody in your department told you that
25 Ms. Londo is to be denied her retirement benefits

1 because the City didn't publish the pay schedule?

2 A That was a factor of our determination. That
3 not that -- that the portion that is in question is not
4 to be used. That is what I wrote in my letter.

5 Q That is what is perceived.

6 MR. MONTGOMERY: That's all I have on that point.

7 THE COURT: I have some questions before anyone
8 else. If you look at that last page on that circular
9 letter that is Exhibit 15. And it is the paragraph,
10 "Whenever an agency does not provide a publicly
11 available pay schedule as defined in the CCR 570.5."

12 Okay. Is there in -- if there is not a
13 publicly available pay schedule as opposed to a city not
14 providing a publicly available pay schedule. Do you see
15 the difference there?

16 THE WITNESS: Yes.

17 THE COURT: What is the difference?

18 THE WITNESS: So the difference would be if they are
19 not providing, they are not giving it to me. And the
20 other options would be it does not exist at all.

21 THE COURT: Okay. Is there is a difference as to
22 how CalPERS would deal with a situation where there is
23 no publicly available pay schedule as opposed to one
24 where there it was not provided but it exists?

25 MR. SILVER: Excuse me. For the record, with all

1 due respect, your Honor, I am going to object. Only
2 because these questions refer to a quote from a
3 regulation that was adopted seven years or six years
4 after the incident in question.

5 So what is in that regulation today in my
6 opinion has nothing to do with the state of affairs in
7 2005-2006. If you go to page 3, you will see that there
8 is a quote from that regulation.

9 THE COURT: Let's see. Now, I'm going to overrule
10 your objection. I think it is relevant. I just want to
11 know.

12 MR. SILVER: Well, I just want to make it clear. I
13 don't see how something that was enacted six or seven
14 years after the fact can possibly determine what was
15 appropriate six or seven years earlier. I just wanted
16 that for the record.

17 THE COURT: It may not determine it all.

18 MR. SILVER: I just want to make my record.

19 THE COURT: All right. In answering
20 Mr. Montgomery's previous question that certain sections
21 of this document call for an interpretation of
22 preexisting rules. I'm just following up on that.

23 MR. SILVER: Fair enough.

24 THE COURT: You may answer that question.

25 THE WITNESS: So if an agency does not provide a

1 publicly available pay schedule to us, then we would --
2 we would typically write some kind of letter demanding
3 that they provide us with that information. If the --
4 if the employer does not provide, we don't have a -- we
5 still need to follow the law.

6 And if there is no -- even if they are -- if
7 there wasn't a publicly available pay schedule that
8 existed, then we would assume that they -- the employee
9 would provide it to us if they are not providing it to
10 us. We rarely come across the fact that they don't
11 provide it to us. There isn't one that exist, so.

12 THE COURT: So but this section here says that a
13 particular salary will be excluded when calculating a
14 member's retirement benefit if an agency doesn't provide
15 a preexisting publicly available pay schedule. It does
16 say that it will exclude it if there isn't one. Am I
17 correct in reading this circular?

18 THE WITNESS: I can see that -- why that would
19 appear that way, yes. I -- again, I didn't write the
20 circular letter, so.

21 THE COURT: Okay. Redirect?

22 MR. COFFEY: Yes, your Honor.

23 ///
24 ///
25 ///
26 ///
27 ///
28 ///
29 ///
30 ///
31 ///
32 ///
33 ///
34 ///
35 ///
36 ///
37 ///
38 ///
39 ///
40 ///
41 ///
42 ///
43 ///
44 ///
45 ///
46 ///
47 ///
48 ///
49 ///
50 ///
51 ///
52 ///
53 ///
54 ///
55 ///
56 ///
57 ///
58 ///
59 ///
60 ///
61 ///
62 ///
63 ///
64 ///
65 ///
66 ///
67 ///
68 ///
69 ///
70 ///
71 ///
72 ///
73 ///
74 ///
75 ///
76 ///
77 ///
78 ///
79 ///
80 ///
81 ///
82 ///
83 ///
84 ///
85 ///
86 ///
87 ///
88 ///
89 ///
90 ///
91 ///
92 ///
93 ///
94 ///
95 ///
96 ///
97 ///
98 ///
99 ///
100 ///
101 ///
102 ///
103 ///
104 ///
105 ///
106 ///
107 ///
108 ///
109 ///
110 ///
111 ///
112 ///
113 ///
114 ///
115 ///
116 ///
117 ///
118 ///
119 ///
120 ///
121 ///
122 ///
123 ///
124 ///
125 ///
126 ///
127 ///
128 ///
129 ///
130 ///
131 ///
132 ///
133 ///
134 ///
135 ///
136 ///
137 ///
138 ///
139 ///
140 ///
141 ///
142 ///
143 ///
144 ///
145 ///
146 ///
147 ///
148 ///
149 ///
150 ///
151 ///
152 ///
153 ///
154 ///
155 ///
156 ///
157 ///
158 ///
159 ///
160 ///
161 ///
162 ///
163 ///
164 ///
165 ///
166 ///
167 ///
168 ///
169 ///
170 ///
171 ///
172 ///
173 ///
174 ///
175 ///
176 ///
177 ///
178 ///
179 ///
180 ///
181 ///
182 ///
183 ///
184 ///
185 ///
186 ///
187 ///
188 ///
189 ///
190 ///
191 ///
192 ///
193 ///
194 ///
195 ///
196 ///
197 ///
198 ///
199 ///
200 ///
201 ///
202 ///
203 ///
204 ///
205 ///
206 ///
207 ///
208 ///
209 ///
210 ///
211 ///
212 ///
213 ///
214 ///
215 ///
216 ///
217 ///
218 ///
219 ///
220 ///
221 ///
222 ///
223 ///
224 ///
225 ///
226 ///
227 ///
228 ///
229 ///
230 ///
231 ///
232 ///
233 ///
234 ///
235 ///
236 ///
237 ///
238 ///
239 ///
240 ///
241 ///
242 ///
243 ///
244 ///
245 ///
246 ///
247 ///
248 ///
249 ///
250 ///
251 ///
252 ///
253 ///
254 ///
255 ///
256 ///
257 ///
258 ///
259 ///
260 ///
261 ///
262 ///
263 ///
264 ///
265 ///
266 ///
267 ///
268 ///
269 ///
270 ///
271 ///
272 ///
273 ///
274 ///
275 ///
276 ///
277 ///
278 ///
279 ///
280 ///
281 ///
282 ///
283 ///
284 ///
285 ///
286 ///
287 ///
288 ///
289 ///
290 ///
291 ///
292 ///
293 ///
294 ///
295 ///
296 ///
297 ///
298 ///
299 ///
300 ///
301 ///
302 ///
303 ///
304 ///
305 ///
306 ///
307 ///
308 ///
309 ///
310 ///
311 ///
312 ///
313 ///
314 ///
315 ///
316 ///
317 ///
318 ///
319 ///
320 ///
321 ///
322 ///
323 ///
324 ///
325 ///
326 ///
327 ///
328 ///
329 ///
330 ///
331 ///
332 ///
333 ///
334 ///
335 ///
336 ///
337 ///
338 ///
339 ///
340 ///
341 ///
342 ///
343 ///
344 ///
345 ///
346 ///
347 ///
348 ///
349 ///
350 ///
351 ///
352 ///
353 ///
354 ///
355 ///
356 ///
357 ///
358 ///
359 ///
360 ///
361 ///
362 ///
363 ///
364 ///
365 ///
366 ///
367 ///
368 ///
369 ///
370 ///
371 ///
372 ///
373 ///
374 ///
375 ///
376 ///
377 ///
378 ///
379 ///
380 ///
381 ///
382 ///
383 ///
384 ///
385 ///
386 ///
387 ///
388 ///
389 ///
390 ///
391 ///
392 ///
393 ///
394 ///
395 ///
396 ///
397 ///
398 ///
399 ///
400 ///
401 ///
402 ///
403 ///
404 ///
405 ///
406 ///
407 ///
408 ///
409 ///
410 ///
411 ///
412 ///
413 ///
414 ///
415 ///
416 ///
417 ///
418 ///
419 ///
420 ///
421 ///
422 ///
423 ///
424 ///
425 ///
426 ///
427 ///
428 ///
429 ///
430 ///
431 ///
432 ///
433 ///
434 ///
435 ///
436 ///
437 ///
438 ///
439 ///
440 ///
441 ///
442 ///
443 ///
444 ///
445 ///
446 ///
447 ///
448 ///
449 ///
450 ///
451 ///
452 ///
453 ///
454 ///
455 ///
456 ///
457 ///
458 ///
459 ///
460 ///
461 ///
462 ///
463 ///
464 ///
465 ///
466 ///
467 ///
468 ///
469 ///
470 ///
471 ///
472 ///
473 ///
474 ///
475 ///
476 ///
477 ///
478 ///
479 ///
480 ///
481 ///
482 ///
483 ///
484 ///
485 ///
486 ///
487 ///
488 ///
489 ///
490 ///
491 ///
492 ///
493 ///
494 ///
495 ///
496 ///
497 ///
498 ///
499 ///
500 ///
501 ///
502 ///
503 ///
504 ///
505 ///
506 ///
507 ///
508 ///
509 ///
510 ///
511 ///
512 ///
513 ///
514 ///
515 ///
516 ///
517 ///
518 ///
519 ///
520 ///
521 ///
522 ///
523 ///
524 ///
525 ///
526 ///
527 ///
528 ///
529 ///
530 ///
531 ///
532 ///
533 ///
534 ///
535 ///
536 ///
537 ///
538 ///
539 ///
540 ///
541 ///
542 ///
543 ///
544 ///
545 ///
546 ///
547 ///
548 ///
549 ///
550 ///
551 ///
552 ///
553 ///
554 ///
555 ///
556 ///
557 ///
558 ///
559 ///
560 ///
561 ///
562 ///
563 ///
564 ///
565 ///
566 ///
567 ///
568 ///
569 ///
570 ///
571 ///
572 ///
573 ///
574 ///
575 ///
576 ///
577 ///
578 ///
579 ///
580 ///
581 ///
582 ///
583 ///
584 ///
585 ///
586 ///
587 ///
588 ///
589 ///
590 ///
591 ///
592 ///
593 ///
594 ///
595 ///
596 ///
597 ///
598 ///
599 ///
600 ///
601 ///
602 ///
603 ///
604 ///
605 ///
606 ///
607 ///
608 ///
609 ///
610 ///
611 ///
612 ///
613 ///
614 ///
615 ///
616 ///
617 ///
618 ///
619 ///
620 ///
621 ///
622 ///
623 ///
624 ///
625 ///
626 ///
627 ///
628 ///
629 ///
630 ///
631 ///
632 ///
633 ///
634 ///
635 ///
636 ///
637 ///
638 ///
639 ///
640 ///
641 ///
642 ///
643 ///
644 ///
645 ///
646 ///
647 ///
648 ///
649 ///
650 ///
651 ///
652 ///
653 ///
654 ///
655 ///
656 ///
657 ///
658 ///
659 ///
660 ///
661 ///
662 ///
663 ///
664 ///
665 ///
666 ///
667 ///
668 ///
669 ///
670 ///
671 ///
672 ///
673 ///
674 ///
675 ///
676 ///
677 ///
678 ///
679 ///
680 ///
681 ///
682 ///
683 ///
684 ///
685 ///
686 ///
687 ///
688 ///
689 ///
690 ///
691 ///
692 ///
693 ///
694 ///
695 ///
696 ///
697 ///
698 ///
699 ///
700 ///
701 ///
702 ///
703 ///
704 ///
705 ///
706 ///
707 ///
708 ///
709 ///
710 ///
711 ///
712 ///
713 ///
714 ///
715 ///
716 ///
717 ///
718 ///
719 ///
720 ///
721 ///
722 ///
723 ///
724 ///
725 ///
726 ///
727 ///
728 ///
729 ///
730 ///
731 ///
732 ///
733 ///
734 ///
735 ///
736 ///
737 ///
738 ///
739 ///
740 ///
741 ///
742 ///
743 ///
744 ///
745 ///
746 ///
747 ///
748 ///
749 ///
750 ///
751 ///
752 ///
753 ///
754 ///
755 ///
756 ///
757 ///
758 ///
759 ///
760 ///
761 ///
762 ///
763 ///
764 ///
765 ///
766 ///
767 ///
768 ///
769 ///
770 ///
771 ///
772 ///
773 ///
774 ///
775 ///
776 ///
777 ///
778 ///
779 ///
780 ///
781 ///
782 ///
783 ///
784 ///
785 ///
786 ///
787 ///
788 ///
789 ///
790 ///
791 ///
792 ///
793 ///
794 ///
795 ///
796 ///
797 ///
798 ///
799 ///
800 ///
801 ///
802 ///
803 ///
804 ///
805 ///
806 ///
807 ///
808 ///
809 ///
810 ///
811 ///
812 ///
813 ///
814 ///
815 ///
816 ///
817 ///
818 ///
819 ///
820 ///
821 ///
822 ///
823 ///
824 ///
825 ///
826 ///
827 ///
828 ///
829 ///
830 ///
831 ///
832 ///
833 ///
834 ///
835 ///
836 ///
837 ///
838 ///
839 ///
840 ///
841 ///
842 ///
843 ///
844 ///
845 ///
846 ///
847 ///
848 ///
849 ///
850 ///
851 ///
852 ///
853 ///
854 ///
855 ///
856 ///
857 ///
858 ///
859 ///
860 ///
861 ///
862 ///
863 ///
864 ///
865 ///
866 ///
867 ///
868 ///
869 ///
870 ///
871 ///
872 ///
873 ///
874 ///
875 ///
876 ///
877 ///
878 ///
879 ///
880 ///
881 ///
882 ///
883 ///
884 ///
885 ///
886 ///
887 ///
888 ///
889 ///
890 ///
891 ///
892 ///
893 ///
894 ///
895 ///
896 ///
897 ///
898 ///
899 ///
900 ///
901 ///
902 ///
903 ///
904 ///
905 ///
906 ///
907 ///
908 ///
909 ///
910 ///
911 ///
912 ///
913 ///
914 ///
915 ///
916 ///
917 ///
918 ///
919 ///
920 ///
921 ///
922 ///
923 ///
924 ///
925 ///
926 ///
927 ///
928 ///
929 ///
930 ///
931 ///
932 ///
933 ///
934 ///
935 ///
936 ///
937 ///
938 ///
939 ///
940 ///
941 ///
942 ///
943 ///
944 ///
945 ///
946 ///
947 ///
948 ///
949 ///
950 ///
951 ///
952 ///
953 ///
954 ///
955 ///
956 ///
957 ///
958 ///
959 ///
960 ///
961 ///
962 ///
963 ///
964 ///
965 ///
966 ///
967 ///
968 ///
969 ///
970 ///
971 ///
972 ///
973 ///
974 ///
975 ///
976 ///
977 ///
978 ///
979 ///
980 ///
981 ///
982 ///
983 ///
984 ///
985 ///
986 ///
987 ///
988 ///
989 ///
990 ///
991 ///
992 ///
993 ///
994 ///
995 ///
996 ///
997 ///
998 ///
999 ///
1000 ///
1001 ///
1002 ///
1003 ///
1004 ///
1005 ///
1006 ///
1007 ///
1008 ///
1009 ///
1010 ///
1011 ///
1012 ///
1013 ///
1014 ///
1015 ///
1016 ///
1017 ///
1018 ///
1019 ///
1020 ///
1021 ///
1022 ///
1023 ///
1024 ///
1025 ///
1026 ///
1027 ///
1028 ///
1029 ///
1030 ///
1031 ///
1032 ///
1033 ///
1034 ///
1035 ///
1036 ///
1037 ///
1038 ///
1039 ///
1040 ///
1041 ///
1042 ///
1043 ///
1044 ///
1045 ///
1046 ///
1047 ///
1048 ///
1049 ///
1050 ///
1051 ///
1052 ///
1053 ///
1054 ///
1055 ///
1056 ///
1057 ///
1058 ///
1059 ///
1060 ///
1061 ///
1062 ///
1063 ///
1064 ///
1065 ///
1066 ///
1067 ///
1068 ///
1069 ///
1070 ///
1071 ///
1072 ///
1073 ///
1074 ///
1075 ///
1076 ///
1077 ///
1078 ///
1079 ///
1080 ///
1081 ///
1082 ///
1083 ///
1084 ///
1085 ///
1086 ///
1087 ///
1088 ///
1089 ///
1090 ///
1091 ///
1092 ///
1093 ///
1094 ///
1095 ///
1096 ///
1097 ///
1098 ///
1099 ///
1100 ///
1101 ///
1102 ///
1103 ///
1104 ///
1105 ///
1106 ///
1107 ///
1108 ///
1109 ///
1110 ///
1111 ///
1112 ///
1113 ///
1114 ///
1115 ///
1116 ///
1117 ///
1118 ///
1119 ///
1120 ///
1121 ///
1122 ///
1123 ///
1124 ///
1125 ///
1126 ///
1127 ///
1128 ///
1129 ///
1130 ///
1131 ///
1132 ///
1133 ///
1134 ///
1135 ///
1136 ///
1137 ///
1138 ///
1139 ///
1140 ///
1141 ///
1142 ///
1143 ///
1144 ///
1145 ///
1146 ///
1147 ///
1148 ///
1149 ///
1150 ///
1151 ///
1152 ///
1153 ///
1154 ///
1155 ///
1156 ///
1157 ///
1158 ///
1159 ///
1160 ///
1161 ///
1162 ///
1163 ///
1164 ///
1165 ///
1166 ///
1167 ///
1168 ///
1169 ///
1170 ///
1171 ///
1172 ///
1173 ///
1174 ///
1175 ///
1176 ///
1177 ///
1178 ///
1179 ///
1180 ///
1181 ///
1182 ///
1183 ///
1184 ///
1185 ///
1186 ///
1187 ///
1188 ///
1189 ///
1190 ///
1191 ///
1192 ///
1193 ///
1194 ///
1195 ///
1196 ///
1197 ///
1198 ///
1199 ///
1200 ///
1201 ///
1202 ///
1203 ///
1204 ///
1205 ///
1206 ///
1207 ///
1208 ///
1209 ///
1210 ///
1211 ///
1212 ///
1213 ///
1214 ///
1215 ///
1216 ///
1217 ///
1218 ///
1219 ///
1220 ///
1221 ///
1222 ///
1223 ///
1224 ///
1225 ///
1226 ///
1227 ///
1228 ///
1229 ///
1230 ///
1231 ///
1232 ///
1233 ///
1234 ///
1235 ///
1236 ///
1237 ///
1238 ///
1239 ///
1240 ///
1241 ///
1242 ///
1243 ///
1244 ///
1245 ///
1246 ///
1247 ///
1248 ///
1249 ///
1250 ///
1251 ///
1252 ///
1253 ///
1254 ///
1255 ///
1256 ///
1257 ///
1258 ///
1259 ///
1260 ///
1261 ///
1262 ///
1263 ///
1264 ///
1265 ///
1266 ///
1267 ///
1268 ///
1269 ///
1270 ///
1271 ///
1272 ///
1273 ///
1274 ///
1275 ///
1276 ///
1277 ///
1278 ///
1279 ///
1280 ///
1281 ///
1282 ///
1283 ///
1284 ///
1285 ///
1286 ///
1287 ///
1288 ///
1289 ///
1290 ///
1291 ///
1292 ///
1293 ///
1294 ///
1295 ///
1296 ///
1297 ///
1298 ///
1299 ///
1300 ///
1301 ///
1302 ///
1303 ///
1304 ///
1305 ///
1306

1 REDIRECT EXAMINATION

2 BY MR. COFFEY:

3 Q Ms. Zimmerman, as you were making your review
4 of the compensation reported by the City for Ms. Londo
5 and focused in on the particular year in question the
6 2005-2006 time frame is -- was the compensation reported
7 in a manner that anyone looking at it at PERS could
8 identify X amount of dollars for position A?

9 A No. It was the -- before the MyCalPERS
10 automated system went live it was basically just lines
11 of numbers so we saw -- I saw that there is a pay rate
12 of such and such \$10,000 with earnings and
13 contributions. And then the next month there is pay
14 rate of \$15,000 earnings and contributions.

15 And there is no -- when we are just looking at
16 the payroll line, there is no position title associated
17 with it.

18 Q So the initial flag, if you will, or trigger
19 for some possible review was a spike not meant
20 pejoratively an increase of \$5,000 per month in
21 Ms. Londo's reported compensation?

22 A That's correct.

23 Q But as you continued your review and looking
24 into the matter, was there ever any documentation from
25 the City showing that for this 2005-2006 time frame the

1 compensation paid to Ms. Londo was in essence \$10,000
2 for city treasurer position and \$5,000 dollars on top
3 for the interim city manager position?

4 A The -- the only document that showed --
5 actually there was that one document which Exhibit 10
6 that states that she is to receive an additional sum of
7 \$5,000 a month for performing the additional duties of
8 city manager.

9 But it doesn't say what her previous amount of
10 finance director, which she was working the finance
11 director city treasurer solely that sole position what
12 that amount was. That was just based on the pay
13 schedule that was given to me.

14 Q But you were able to reconcile that?

15 A Yes.

16 Q Okay. Now looking at Exhibit 10, was -- let's
17 put it this way. In the first sentence on Exhibit 10
18 there is reference to the position as quote, "interim
19 city manager" end quote. Do you see that?

20 A Yes.

21 Q What significance, if anything, did you place
22 on that descriptive title interim?

23 A That it was temporary and that she would then
24 resume, you know, her current duty of finance director
25 once it was over.

1 Q And is that, in fact, what apparently happened?

2 A Yes.

3 Q And so as you did your review and analysis
4 there was -- was there any information that you had
5 available to you from the City indicating or suggesting
6 that Ms. Londo's service as city manager was intended to
7 be permanent?

8 A No.

9 Q Nothing -- no support for that?

10 A No. Typically if that were to happen we would
11 see some kind of personnel action form where you can see
12 the previous position moving to the newer or upgraded
13 position typically. And there would be another
14 personnel action form moving her back into the finance
15 director position.

16 Q Okay. And briefly, Ms. Zimmerman, looking at
17 Ms. Londo's Exhibit B on page 2, do you find any
18 language in there advising Ms. Londo that there could be
19 changes in the estimate calculations?

20 A Yes.

21 Q And where do you find that?

22 A That's at the bottom half. Do you want me to
23 read?

24 Q No, the document speaks for itself, but.

25 THE COURT: Which document is this, please?

1 MR. COFFEY: Exhibit B page 2, your Honor.

2 BY MR. COFFEY:

3 Q Now, you told us sometimes you have
4 conversation with individual CalPERS members where they
5 have questions about their estimated or anticipated
6 service retirement benefit; is that correct?

7 A Correct.

8 Q Just very briefly. What are the nature of
9 those conversations?

10 A A member will call -- call into the call center
11 and ask -- they want to ensure that their employer has
12 been reporting their payroll appropriately. So we then
13 assign it to a staff in my unit. We --

14 Q Let's slow down. What is the call center?

15 A So we have a member call center. And it is an
16 888 number that is available to all CalPERS members to
17 call in and request all kinds of CalPERS related issues
18 to be taken care of.

19 Q So if I'm an individual CalPERS member and
20 thinking about retiring, service retirement and I have
21 got some question, I don't know who to talk to, but I
22 call an 800 number or 888 number for CalPERS, and that
23 call goes to the call center? Yes?

24 A Yes.

25 Q And then what happens?

1 A So then the call center would -- would attempt
2 to answer themselves. But usually if it is something
3 that involve compensation, it is transferred to my unit,
4 the compensation review unit.

5 Q Is anybody documenting these conversations?

6 A Yes.

7 Q How do you know that?

8 A They are -- they are interaction -- we -- it is
9 a system. We report it in the system and we take notes.
10 And we put the notes in our system -- in our CalPERS
11 system. And they are in there for everyone to see that
12 works at CalPERS.

13 Q Do these used to be called the customer touch
14 point or CTP notes?

15 A Yes.

16 Q So the person at the call center that has the
17 initial conversation with the CalPERS member they make
18 an entry about the nature of the call and that they
19 refer the call to compensation review?

20 A Correct.

21 Q And then someone from compensation review calls
22 the individual member back and that CalPERS employee in
23 compensation review might make an entry of what the
24 conversation was about?

25 A Yes.

1 Q Did you review the CTP notes if they existed
2 regarding Ms. Londo?

3 A I don't recall.

4 Q Okay. You recall having your own conversation
5 with Ms. Londo?

6 A Correct. After I reviewed -- I believe it was
7 my initial review we weren't finalize with the
8 determination yet. But I believe after my initial
9 review I called her to let her know. Cause I think she
10 may have call to inquire about her service retirement.
11 Then I returned the call to tell her that we were
12 working on determination.

13 Q In your review of materials whether related
14 specifically to Ms. Londo or the City as the employer,
15 did you find anything to indicate that in the 2005-2006
16 time frame Ms. Londo made any effort to contact anyone
17 at CalPERS and see how or if the \$5,000 additional
18 compensation was being properly reported?

19 MR. SILVER: Objection. It is irrelevant. This was
20 eight years before she retired. She wasn't even
21 thinking about retirement back in 2005. It is
22 completely irrelevant.

23 THE COURT: What would be the relevance of this when
24 she retired in 2013?

25 MR. COFFEY: Your Honor, I'm trying to give equal

1 measure. Counsel inquired of CalPERS' witness about
2 audit results and whether CalPERS audit resulted in
3 educating the City in any way or directed the City in
4 any way to certain reporting matters. I'm just trying
5 to equal the scales there to see if the City -- if there
6 is any evidence that the City or Ms. Londo made
7 inquiries.

8 MR. SILVER: We will stipulate that Ms. Londo made
9 no inquiry in 2005-2006 about her retirement as to
10 whether her income was pensionable or not. She wasn't
11 even thinking about retirement. I will stipulate --

12 THE COURT: It is unnecessary to put argument into
13 it. If you stipulate, you stipulate.

14 MR. SILVER: I'm trying.

15 MR. MONTGOMERY: Arguing is his way of stipulation.

16 MR. COFFEY: Thank you, Ms. Zimmerman.

17 MR. SILVER: I just have a brief question in
18 relation to what Mr. Montgomery was asking that has to
19 do with temporary upgrade pay.

20

21 RE-CROSS-EXAMINATION

22 BY MR. SILVER:

23 Q Let's say, for example, if somebody was
24 working as a police officer and there is a vacant
25 position in the next highest classification let's say

1 police sergeant, okay, and they haven't conducted a
2 promotion exam to enable them to fill the position on a
3 permanent basis and if a police officer and the City
4 agree that that person will be temporarily serving as a
5 police sergeant with a higher rate of pay, would that
6 satisfy the definition of temporary upgraded pay?

7 A So long as all the rest of the regulations are
8 satisfied. It would have to be in the MOU, it would
9 have to be available to others in a group or class of
10 employment. I mean typically that's the more standard
11 way that -- that we see it.

12 Q Okay. Basically as long it is an agreement
13 between the employer and the employee and it is done --
14 it is documented correctly, etcetera, than it would be
15 properly regarded as temporary upgrade pay, correct?

16 A Yes. We don't typically see how the decisions
17 comes to be.

18 Q Okay.

19 MR. SILVER: I have no further questions.

20 THE COURT: Mr. Montgomery.

21 MR. MONTGOMERY: No. Nothing further at this time.

22 THE COURT: All right. Thank you very much. And
23 will take a five-minute break.

24 (Off the record.)

25 THE COURT: All right. We are back on the record.

1 Wait.

2 MR. COFFEY: My exhibits. I'd offer Exhibits 8, 9,
3 10, and 15.

4 MR. SILVER: I have no objection except for 15. 8,
5 9, 10, I have no objection to. 15 is irrelevant. It is
6 an after the fact. No, actually I let 15 go on. I will
7 have 15 go on.

8 THE COURT: Exhibit 15 is admitted as well as 8, 9,
9 and 10. Is there anything else from PERS?

10 MR. SILVER: Let me make sure. 8, 9, and 15. 8, 9,
11 12, and 15.

12 THE COURT: I have 8, 9, 10, and 15.

13 MR. SILVER: I thought it was 12.

14 MR. COFFEY: 8, 9, 10, and 15.

15 MR. SILVER: I have no objection to 12 going in too,
16 if you want.

17 MR. MONTGOMERY: You introduce it.

18 MR. SILVER: I will soon or later. I'm just asking
19 you want to introduce 12?

20 MR. COFFEY: Sure.

21 MR. SILVER: So 8, 9, 10, 12, but I have no
22 objection to all of these going in if you want to make
23 it simple.

24 MR. COFFEY: That's fine.

25 MR. SILVER: They are all in then.

1 THE COURT: Exhibits 1 through 15 are admitted.

2 That was easy. You rest your case?

3 (Complainant's Exhibits 1 through 15
4 were received by the Court.)

5 MR. COFFEY: Yes, your Honor.

6 MR. SILVER: I would like to call Christine Londo.

7 THE COURT: For the record would you state and spell
8 your full name.

9 THE WITNESS: Christine Francis Londo;
10 C-H-R-I-S-T-I-N-E, F-R-A-N-C-I-S, L-O-N-D-O.

11

12 CHRISTINE LONDO,

13 called as a witness by the Respondent, was sworn by the
14 court reporter, and testified as follows:

15 THE WITNESS: Yes.

16

17 DIRECT EXAMINATION

18 BY MR. SILVER:

19 Q Ms. Londo, are you one of the Respondents in
20 this case?

21 A I am.

22 Q And did you recently retire from the City of
23 Walnut?

24 A Yes, I did.

25 Q What was the effective date of your retirement?

1 A September 14th, 2013.

2 Q And does the City of Walnut contract with
3 CalPERS for retirement benefits for its employees?

4 A Yes, they did.

5 Q Did they throughout your entire employment with
6 the City of Walnut?

7 A Yes.

8 Q And when did you commence employment with the
9 City of Walnut?

10 A In 1988.

11 Q And in what capacity did you serve at that
12 time?

13 A Financial director.

14 Q And prior to that time, had you worked with any
15 other public agency that contracted with CalPERS for
16 retirement benefits?

17 A Yes.

18 Q And what city was that?

19 A West Covina.

20 Q How long did you work there?

21 A Approximately 11 years.

22 Q And what capacity did you serve in West Covina?

23 A I start as junior accountant, and I was
24 promoted to administrative accountant and then DP
25 manager.

1 Q Now, in summer of 2005 let's say July of 2005,
2 what was your position with the City of Walnut?

3 A Finance director.

4 Q And who was the city manager at that time?

5 A Jeffery Parker.

6 Q At some point during 2005, did it come to your
7 attention that Mr. Parker would be terminating his
8 employment with the City of Walnut?

9 A Yes.

10 Q And did you have any discussion with any city
11 official about the possibility of your replacing him and
12 assuming the duty of city manager?

13 A Yes.

14 Q And with whom did you have that discussion?

15 A Mr. Montgomery the city attorney.

16 Q And could describe the contents of the
17 conversation?

18 A He had called and asked -- had mentioned Jeff
19 -- Mr. Parker was leaving and asked if I would be
20 willing to serve as city manager -- acting city manager
21 under the same terms as I had done in the past.

22 Q Now, you said that you had served as acting
23 city manager in the past. When was that?

24 A It was in 1995.

25 Q And what were the terms on which you served on

1 that occasion for how long and under what condition?

2 A For approximately five months I received an
3 additional 15 percent compensation and my role was to
4 just keep things flowing and to coordinate the
5 recruitment of the city manager position.

6 Q And am I correct you said that you told Mr.
7 Montgomery you did not want to assume the role as city
8 manager under those conditions in 2005?

9 A Correct.

10 Q And what did Mr. Montgomery say in response?

11 A I had said I wanted -- I would be willing to
12 serve as city manager. But I wanted full city manager
13 and he said that he would be reporting back to the city
14 council. We did not address any more specifics at that
15 time.

16 Q So at that time you didn't discuss what the pay
17 would be or how long you would serve?

18 A No.

19 Q Did you later find out the city council had
20 supported Mr. Montgomery's recommendation that you be
21 hired as city manager?

22 A Yes.

23 Q And how did you acquire that information?

24 A There was a closed session in which the city
25 manager replacement personnel issue was discussed and

1 afterwards it was announced that I would be acting city
2 manager.

3 Q Let me address your attention if you could take
4 a look to Exhibit 11.

5 A Yes.

6 Q What is that document represent to you?

7 A These are the minutes of the regular council
8 meeting on October 26, 2005.

9 Q Do you see anything in those minutes that
10 related to or informed you about what was going on with
11 your discussion with Mr. Montgomery about becoming city
12 manager?

13 A The item on page 7 item B addresses that. The
14 item was agendized and the action that was taken.

15 Q And that -- that information basically said
16 that you were appointed as acting city manager?

17 A Correct.

18 Q So after you acquired that information -- by
19 the way, is that document a public record?

20 A Yes, it is.

21 Q That is available?

22 A It was a public meeting and a public document.

23 Q That would be available to any member or do you
24 know?

25 A Yes.

1 Q Did you commence serving as city manager right
2 away?

3 A Yes, I did.

4 Q But at that time the details regarding your pay
5 and your tenure had not been worked out yet; is that
6 correct?

7 A Correct.

8 Q Did you later discuss those details and try to
9 work them out with the city attorney?

10 A I did. And we were able to agree that I would
11 serve as city manager for a year. And that the
12 compensation would be comparable to the outgoing city
13 manager. And that I would retain the finance director
14 duties.

15 And I think that the total package in effect
16 would allow me to see if that was the direction that I
17 wanted to go and at the same time allow the city to
18 realize the same thing.

19 Q And did you -- was the understanding you would
20 be the full-time city manager for that one-year period?

21 A Yes.

22 THE COURT: If you could wait until he finishes his
23 question before you answer. It makes it very difficult
24 for the court reporter. That's fine. But, you know, I
25 mentioned that earlier with the previous witness. And

1 then I can also take notes at a better rate.

2 THE WITNESS: Yes.

3 THE COURT: Thank you.

4 BY MR. SILVER:

5 Q You said that the added \$5,000 over and above
6 your preexisting pay as the finance director would be
7 close to what the previous city manager had been
8 earning; is that correct?

9 A Correct.

10 Q How close was that? Was it within a couple
11 hundred dollars a month of what --

12 A Yes.

13 Q Now, would you be occupying either the finance
14 director position or the city manager position on a
15 part-time basis during that year?

16 A No.

17 Q Did you during that year occupy either those
18 positions on a part-time basis?

19 A No.

20 Q How were you able to do two jobs? Let me ask
21 this. Did your hours of work increase as a result of
22 having this extra job?

23 A Not, no -- not.

24 Q How were you able to do two jobs within the
25 same time frame that you did one?

1 A I had been finance director for several years,
2 and I had -- the department was running very smoothly.
3 The staff in the department was long term staff. They
4 knew their jobs. They worked well together. I had a
5 very good accounting manager. And she assumed the
6 supervisory function of the department.

7 And I only was available for the higher level
8 decision making as finance director. And that would
9 allow me to spend the time doing city manager function.

10 Q So it would be fair to say that the majority of
11 time during that one-year period was spent performing
12 duty as a city manager?

13 A Yes.

14 Q Now, was the city agreeable to this approach
15 when you discussed it after you resumed -- assumed those
16 duties?

17 A Yes.

18 Q And let me show you -- let me direct your
19 attention to Exhibit 10. Can you tell us what that
20 document represented to you?

21 A This was the result of our negotiation between
22 myself and the city attorney. And this went as an
23 agenda item at the November 30, 2005, city council
24 meeting for approval to increase my salary comparable to
25 the city manager, and.

1 Q Was this document a public record available to
2 any member of the public?

3 A Yes, it was.

4 Q Let me show you -- and let me have marked as
5 exhibit trying to remember what my next exhibit -- is it
6 D or is it C? Hold on. I think it is C. Yeah. Let me
7 show you a document. It appears to be an 11-page
8 document.

9 It is entitled adjourned meetings of the City
10 Council Walnut Housing Authority and Walnut Improvement
11 Agency. And it bears the date of November 30th, 2005.
12 And I would like to have this marked as Exhibit C. And
13 again, can you tell us what this document represents to
14 you?

15 A These are the minutes from the November 30th,
16 2005, city council meeting.

17 Q And can you direct our attention to which
18 portion of the document relates to your becoming city
19 manager or interim city manager?

20 A On page 6 item 12 that identifies the
21 additional compensation to bring me up to the salary.

22 Q Was this document a public record available to
23 any member of the public?

24 A Yes, it was.

25 Q If I were a citizen of Walnut and I wanted to

1 find out how much you were being paid, could I ascertain
2 that compensation through publicly available
3 information?

4 A Yes, public record request.

5 Q How would I do it?

6 A Through the city clerk.

7 Q Right. And would I have to take two documents
8 and combine them to determine your total compensation?

9 A Yes.

10 Q And those two documents would be the pay for
11 the finance director position plus the added \$5,000 you
12 received as interim city manager?

13 A Correct.

14 Q Would the total of those two items be what was
15 reported by the City to Calipers after you began
16 assuming the duties of city manager?

17 A Yes.

18 Q Is one of the powers and duty of city manager
19 to serve in as also in addition as the head of a
20 department within a city government?

21 A Yes. Based on Walnut Municipal Code.

22 Q Let me show you -- I will have marked as
23 Exhibit D a document two pages that purports to be a
24 portion of the Walnut City Code and Section 2.23. And
25 could you point out where in that document it says that

1 the city manager also can act as the department head?

2 A On the first page P as in Paul.

3 Q That it is at the very bottom of the page?

4 A Yes.

5 Q What does that say if you could read it for the
6 record?

7 A "To serve in any appointed office or the head
8 of department within the city government to which he may
9 qualified when appointed thereto by the city council and
10 to hold and perform the duties thereof at the pleasure
11 of city council."

12 Q Now, directing your attention to CalPERS'
13 Exhibit Number 8 I believe. Is that the actual salary
14 schedule that existed as of July 2nd, 2005?

15 A Yes.

16 Q For the City of Walnut. And that was before
17 you became city manager, correct?

18 A Correct.

19 Q But this was not the only bit of information
20 that was available to the public that concerns salaries
21 of city employees; is that correct?

22 A Correct.

23 Q Now, would it be fair to say that this document
24 was prepared before you had any idea you would be
25 assuming the role of city manager?

1 A Yes.

2 Q Did you know of any reason why the position of
3 city manager was not listed on this schedule?

4 A The schedule here shows the management
5 employees of the City. There is another schedule that
6 shows the classified employees. There is another
7 schedule that shows the part-time employees. Each of
8 those are a group that negotiate as a whole. The city
9 manager negotiates separately with the city council.
10 And it was never included on as part of these other
11 group.

12 Q And well, as far as you know during your
13 employment when you commenced employment, was the city
14 manager salary included on the management salary
15 schedule of the City of Walnut? But it was publicly
16 available was it not?

17 A Yes.

18 Q To your knowledge had the City ever included
19 the salary of the city manager on a management salary
20 schedule?

21 A Effective July 1, 2014, the city manager has
22 been added.

23 Q Do you know what motivated or precipitated that
24 act?

25 A I believe that was my situation.

1 Q So in other words, because of what happened to
2 you, they want to avoid that happening to someone else?

3 A Yes.

4 Q Again, I'm just concerned about your state of
5 mind. During 2005 and 2006 during that time frame, were
6 you personally aware of any requirement that for the
7 city manager's salary to be regarded as pensionable
8 income it had to be included on a formal salary schedule
9 that was attached to formal city document?

10 A No.

11 Q Did anybody from the city ever tell you that
12 they understood that to be the case?

13 A No.

14 Q During the time you served as city manager, was
15 your salary of \$15,060 or whatever increased? Was that
16 always reported to CalPERS as pensionable income?

17 A Yes.

18 Q So there was no intent to hide anything from
19 CalPERS?

20 A No.

21 Q Okay. Were employer and employee contributions
22 paid on that \$15,000 plus amount?

23 A Yes.

24 Q So again, there was no desire to shortchange
25 CalPERS?

1 A No.

2 Q Again, I may have asked you this before. Let's
3 say prior to 2014 when the city manager's position was
4 added to the management salary schedule, was the salary
5 of a city manager in Walnut publicly available?

6 A Yes.

7 Q Were there any desire on your part when you
8 were serving as city manager to hide your salary?

9 A No.

10 Q In other words, kind of like a situation
11 Mr. Montgomery was talking about when he was trying to
12 ask a question where somebody thought it was politically
13 improper. That wasn't your situation at all?

14 A No, I was -- it was a comparable salary to the
15 city manager. And it was saving the City money so, no.

16 Q So after the one-year period was up, were
17 offered an opportunity to extend your tenure as city
18 manager?

19 A Yes, I was asked and I did not. I said no.

20 Q It was your choice not to continue?

21 A Yes.

22 Q And what happened at that time? Did you
23 maintain your employment with the City of Walnut?

24 A Yes, I did.

25 Q In what capacity?

1 A I returned to finance director with the
2 understanding assistant city manager. I would be made
3 assistant city manager when the next budget came around
4 on July 1st, so that it could be accountable, funded in
5 the budget.

6 Q So in June 2010, did you request from CalPERS
7 that it provide you with an estimate of your retirement
8 allowance?

9 A Yes.

10 Q Should you retire at that time?

11 A Right.

12 Q Now, I don't know if you have Exhibit A in
13 front of you. If you could see if you could find that.
14 And I will see if I find mine.

15 A Yes.

16 Q Did you receive a response from CalPERS as to
17 what CalPERS thought your financial compensation would
18 be were you to retire at that time?

19 A Yes, I did.

20 Q That information was -- came from CalPERS not
21 from you; is that correct?

22 A Correct.

23 Q Now -- but you decided not to retire at that
24 time; is that correct?

25 A Correct.

1 Q Did you -- and was the time period that CalPERS
2 selected as your final compensation measurement period
3 and the attendant salary that was when you served as
4 city manager?

5 A Yes, it is.

6 Q In January of 2013, did you request CalPERS
7 provide you another estimate of your -- what your
8 retirement allowance would be?

9 A Yes.

10 Q And do you have Exhibit B in front of you?

11 A I believe so. It doesn't say E on it.

12 Q B.

13 A B?

14 Q Yes. It is the January 2013 letter from
15 CalPERS. Is that the document you received from CalPERS
16 in response to your request for an estimate?

17 A Yes.

18 Q And did this document tell you what your
19 pension would be were you to retire shortly after that
20 time depending on what option you selected?

21 A Yes.

22 Q And did you determine at that time that the
23 amount of pension that would be available to you under
24 scenario presented in Exhibit B would be something that
25 maintain the lifestyle you wanted to maintain were you

1 to retire?

2 A Yes.

3 Q Now, did you retire at that particular time?

4 A No.

5 Q And you said you retired a few months later in
6 September; is that correct?

7 A Yes. This request I had used a retirement date
8 of May 15th, 2013. However the City asked me to stay
9 until September so I did stay a few more months.

10 Q Until September, right?

11 A '14.

12 Q Staying on would only slightly increase your
13 retirement allowance?

14 A Yes.

15 Q Now, your understanding let's just talk about
16 that for a second to make sure everybody understands.
17 Is it your understanding your retirement allowance is a
18 percentage of your final compensation?

19 A Correct.

20 Q And percentage is dependent upon how many years
21 of service you have and which formula the City has
22 elected?

23 A Correct.

24 Q So the more -- would it be fair to say that it
25 is your understanding that the greater number of years

1 served the higher the allowance?

2 A Yes.

3 Q Because the percentage would be higher,
4 correct?

5 A Correct.

6 Q So when was the first time -- did you rely upon
7 that communication from CalPERS when you made your
8 decision to retire?

9 A Yes.

10 Q And to what degree?

11 A Well, to make my decision to retire at that
12 time at the time selected in September.

13 Q And you assumed you would be getting the
14 allowances that are -- something very close to
15 allowances that are set forth in that letter, correct?

16 A Correct.

17 Q Now, at any time prior to retirement, okay, did
18 CalPERS inform you that it would not utilize the final
19 compensation figure that was set forth in that
20 particular exhibit?

21 A No.

22 Q Did you subsequently learn that CalPERS was not
23 using that final compensation reported in that document?

24 A Yes.

25 Q And you learned this after retirement, correct?

1 A Correct.

2 Q And had you known before retirement that
3 CalPERS would insist that you use a lower financial
4 compensation figure, could you have taken action to
5 cause you to receive the desired retirement allowance
6 that would enable you to maintain your desired standard
7 of living?

8 A Yes. If I had worked another few years, the
9 percentage would have gone up and therefore would have
10 -- and any salary increase that may have happened I
11 would have been able to reach that.

12 Q So you could have adjusted your course and not
13 retired and when you got enough salary increases and
14 enough added years of service you could get to your
15 desired allowance; is that correct?

16 A Correct.

17 Q But when you learned about it after retirement,
18 were you able to make that adjustment?

19 A Well, my position had already been filled so I
20 was not able to.

21 MR. SILVER: I have no further questions.

22 THE COURT: All right. Mr. Montgomery, do you have
23 any questions?

24 MR. MONTGOMERY: I have none at this time.

25 THE COURT: Mr. Coffey.

1 MR. COFFEY: Thank you, your Honor.

2

3

CROSS-EXAMINATION

4

BY MR. COFFEY:

5

Q Good morning, Ms. Londo.

6

A Good morning.

7

8

Q So in 1995 on one previous occasion, you worked

9

for five months again in either -- do you prefer the

term acting city manager or interim city manager?

10

A In my opinion they are different. I don't know

11

there is a legal reason, but in my opinion I look at

12

them differently.

13

Q In 1995 what were you called acting?

14

A Acting.

15

Q So as you went into that period -- I'll say

16

wearing two hats. You were then hat of -- was it

17

finance director in '95?

18

A Yes.

19

Q So in 1995 as you started this, you had one hat

20

finance director, and then you also had acting city

21

manager's hat, correct?

22

A Yes.

23

Q As you went did you know at the front end that

24

it was only going to be five months?

25

A Exactly, no. It was anticipated to be about

1 that because it was during the recruitment process. So
2 it would take about that time frame.

3 Q In that first instance in 1995, both the
4 employer, the City, and you, the employee, had if not an
5 understanding of thought that your service would be
6 about six months or so?

7 A Right. They were looking to get a city manager
8 on board, and so I was coordinating that activity.

9 Q So the next time ten years later 2005 based on
10 your testimony on direct, it sounds to me like you were
11 able to negotiate some of the terms if you accepted and
12 agreed to serve as the interim city manager; is that
13 correct?

14 A Yes.

15 Q And when you negotiated terms in 2005, one of
16 them was I want a salary commensurate with what the full
17 salary for the city manager position is and that's about
18 \$15,000 a month?

19 A Yes.

20 Q Was another term that you negotiated the length
21 of service that this time wasn't going to be six months
22 it was going to be a year?

23 A That was not presented by me, but it was
24 negotiated, yes.

25 Q So the City came back to you with look if your

1 going do this for us we want you there for at least a
2 year?

3 A Yes.

4 Q That was okay with you?

5 A Yes.

6 Q Now again, during this time frame 2005-2006,
7 you never resigned your position as finance director?

8 A No.

9 Q That's a correct statement?

10 A I was still finance director.

11 Q Okay.

12 A I served as function of finance director.

13 Q So if a vendor, if a contractor, if a citizen
14 -- strike that. Does the City of Walnut have a city
15 hall, city office, physically?

16 A Yes.

17 Q All right. And people would know that's the
18 city hall of the City of Walnut?

19 A Correct.

20 Q Again, if a vendor or citizen came in and said
21 I want to -- I have a question or I have a complaint. I
22 want to talk to the finance director. They would be
23 directed to you?

24 A They would have been normally directed to the
25 city manager.

1 Q Well, it may start there. But if somebody
2 walked in, in 2005-2006 to the City of Walnut and they
3 said I want to talk to the city manager or the city
4 finance director if it couldn't be handled at lower
5 levels, that person would talk to you?

6 A Correct.

7 Q All right. Turn to our Exhibit B on page 2.
8 Do you see that same language I referenced earlier about
9 this being an estimate? Second paragraph which begins
10 any change -- any change final compensation will result
11 in a different benefit calculation. Do you understand
12 when you received Exhibit B it was an estimate?

13 A I understood it was an estimate. I in no way
14 understood that compensation would be disallowed.
15 Estimate meaning with a few hundred dollars or something
16 depending on the exact time they retired.

17 Q Let's take a look at Exhibit B. This is an
18 excerpt from the Walnut City Code?

19 A Correct.

20 Q And was this --

21 MR. SILVER: That is not Exhibit B. That is
22 different.

23 MR. COFFEY: Is this C?

24 THE COURT: D.

25 MR. COFFEY: D. I'm sorry. Okay.

1 BY MR. COFFEY:

2 Q So you have Exhibit D?

3 A D.

4 Q Were - was this a part of the Walnut City Code
5 in 2005-2006?

6 A Yes.

7 Q Now, it starts with the city manager shall be
8 administrative head of city government continues on.
9 Item B it begins with to a point come up promote and
10 goes on, but it notes except the city clerk, the city
11 attorney, and city treasurer.

12 So apparently 2005-2006 when you wore both the
13 interim city manager hat and finance director hat if you
14 had cause as city manager to discipline yourself you
15 couldn't do it, could you?

16 A Well, I imagine you are correct. But I could
17 have technically. I could have.

18 Q It would be tortuous.

19 A I don't see the purpose. But I could have.

20 Q Looking at Exhibit B which is prepared in
21 January 2013, on page 1. So with your birthday being
22 July you turned 63 in the summer of 2013, correct?

23 A Yes.

24 MR. SILVER: Don't rub in it.

25 MR. COFFEY: I'm 61. I'm in the same boomer group.

1 Don't worry.

2 BY MR. COFFEY:

3 Q At that time the estimate was prepared you were
4 showing 35.7 years of service credit, correct?

5 A Yes.

6 Q So if this -- if either those two numbers, your
7 age of retirement or the year of service credit, if
8 either of those are increased, that is what you are
9 saying you would have anticipated increase in your
10 service retirement benefit?

11 A Correct.

12 Q And have you asked for the calculation of how
13 many more years of service credit you would need to
14 have equal out what you say is the estimated service
15 retirement benefit contained in Exhibit B?

16 MR. SILVER: I'm going to object because there is
17 another factor included in that and that would be
18 additional pay rate that she might have received if she
19 stayed. If you want to include and make it more
20 complete.

21 THE COURT: Well, if you include that that would be
22 speculation.

23 MR. SILVER: Well, everything is speculative.

24 THE COURT: Overruled.

25 ///

1 BY MR. COFFEY:

2 Q I just want to ask. Ms. Londo, you have looked
3 at the graph, the chart graph that shows as your age
4 increases and your service retirement increases the
5 percentage increases?

6 A Correct.

7 Q And is there a point on that graph or chart
8 where you are kind of maxed out that it doesn't?

9 A According to PERS it does go over a hundred
10 percent.

11 Q Have you asked PERS to calculate for you how
12 many more years you would have had to work using the
13 same pay rate as an assistant manager?

14 MR. SILVER: Is there any time frame on that? Did
15 she ask before or after?

16 MR. COFFEY: No, after.

17 BY MR. COFFEY:

18 Q After you were told the determination is we are
19 not going to use the full \$15,000 occurring 2005-2006
20 time frame and knowing you had the estimate figures as
21 shown in Exhibit B, did you ask anyone at PERS if you
22 use my last salary with the City as assistant city
23 manager how many more years would I have to work to get
24 close to the estimate figures shown in Exhibit B?

25 A I did my own estimate. But I did incorporate

1 the possibility of the salary increases. So in doing
2 that increase, it is three to four years.

3 Q Okay.

4 A And there have been some increases, known
5 increases already taken place.

6 THE COURT: Okay. May I ask a question right now
7 before I forget. When were you actually informed by
8 PERS that they were not going to count that extra
9 \$5,000?

10 THE WITNESS: Five days after I retired September
11 the 19th. And I need to clarify that that was really a
12 possibility. That was the phone conversation with Karin
13 that was not the formal notification. That did not come
14 until November, end of November.

15 MR. SILVER: The formal notification just for the
16 record would have been Exhibit 4, correct?

17 THE COURT: Well, you will have an opportunity to
18 recross. Right now --

19 MR. SILVER: I just want to clarify.

20 THE COURT: You can do that on redirect. I'm sorry.
21 Back to you.

22 MR. COFFEY: I think that is sufficient. Thank you,
23 Ms. Londo.

24 MR. SILVER: Nothing further.

25 THE COURT: Let me take -- let me take five minutes

1 just to go over my notes and then see if I have any
2 questions.

3 (Off the record.)

4 THE COURT: All right. We are back on the record.

5 Now, when did you inform the City that you were
6 going to retire, do you recall?

7 THE WITNESS: It would have been probably April,
8 March, April. I spoke with the city attorney -- with
9 the city manager.

10 THE COURT: Okay. I think you testified that they
11 asked you to stay a little bit longer until September?

12 THE WITNESS: Correct.

13 THE COURT: And what was the reason?

14 THE WITNESS: Finish up some of the budget and the
15 financial statements before I left.

16 THE COURT: Now, do you know if they hired another
17 finance director at the time that you left in September?

18 THE WITNESS: They hired the person -- yes. Yes,
19 the new person was already hired when I retired.

20 THE COURT: I see.

21 THE WITNESS: They had done the recruitment while I
22 was still there.

23 THE COURT: Had the new person actually started?

24 THE WITNESS: No, she may have been starting the
25 Monday after I left. I'm not sure of the exact start

1 date.

2 THE COURT: Okay.

3 THE WITNESS: She did not start before I left, so.

4 THE COURT: And this five-day period that elapsed
5 before you -- after you retired and before you were
6 notified by PERS that it was still early that part of
7 your compensation might not be recognized for purposes
8 of retirement benefits -- let's see. Do you know if
9 that person started -- the new person started within
10 that five-day period?

11 THE WITNESS: I don't recall what the start was if
12 it was a Monday which would have been before this, but
13 between -- the Monday between my retirement was my last
14 day a Friday. And I got called on the Wednesday.

15 THE COURT: Yeah. Do you remember the sum and
16 substance of the statement made by the representative
17 from PERS to you about this issue?

18 THE WITNESS: That it looked like -- the person is
19 here.

20 THE COURT: Well, I don't know who you talked with.

21 THE WITNESS: I talked to Karin on that day. She
22 called and I believe that it was -- that she was going
23 over the compensation and was not finding a publicly
24 available salary table and quoted the 570.5 showing
25 requirement. And that I -- I was caught totally off

1 guard and I said that -- how do I appeal this or what do
2 I do now. And she said she would be taking it to her
3 supervisor to see and that she would call me back.

4 THE COURT: Okay. All right. I have nothing else.
5 So I'm leaving the door open to other counsel if there
6 is any follow up.

7 MR. SILVER: I have no further questions.

8 MR. COFFEY: No further questions.

9 THE COURT: Mr. Montgomery.

10 MR. MONTGOMERY: Nothing further.

11 THE COURT: All right. Thank you very much.

12 MR. SILVER: At this time I'd like to mark for
13 identification as Exhibit E the actual provisions of the
14 this regulation 570.5 that we have been talking about.
15 Again, my sole purpose in doing it is to make it
16 abundantly clear. As you can tell from page that it
17 became operative in 2011, August 10th of 2011.

18 THE COURT: I take official notice of all
19 regulations and statutes.

20 MR. SILVER: If you can do that I will give you a
21 copy.

22 THE COURT: It doesn't have to be marked for
23 identification. Is there anything else?

24 MR. SILVER: I have one more witness to call.

25 THE COURT: All right.

1 MR. SILVER: I'd like to call Thomas King.

2 THE COURT: Sir, would you state and spell your name
3 for the record.

4 THE WITNESS: Thomas King; T-H-O-M-A-S, K-I-N-G.

5

6 THOMAS KING,
7 called as a witness by the Respondent, was sworn by the
8 court reporter and testified as follows:

9 THE WITNESS: I do.

10

11 DIRECT EXAMINATION

12 BY MR. SILVER:

13 Q Mr. King, what was your occupation and
14 profession before you retired?

15 A I had multiple -- I was mayor for the City of
16 Walnut. And I am a retired Los Angeles police
17 detective.

18 Q How long were you a police detective with the
19 City of Los Angeles?

20 A 30 years.

21 Q When did you serve as mayor of the City of
22 Walnut?

23 A I served multiple times, four times under
24 various periods of time -- of this -- during this period
25 of this transaction the mayor. When I retired I was the

1 mayor again.

2 Q Were you the mayor between November 2005 and
3 November 2006?

4 A Yes.

5 Q And do you know when your term began roughly?

6 A No, I don't.

7 Q How long of a term would it have been?

8 A Normally it would have been a year. But I
9 think one the prior mayor died, and I served the next
10 six months. I think I served 18 months during one of
11 those periods.

12 Q When you weren't mayor were you a city council
13 member?

14 A That's correct.

15 Q So mayor is just one of the city council who
16 has been determined to be the mayor for a particular
17 time period?

18 A That's correct.

19 Q Okay. Just real briefly. Well again, you were
20 the mayor when Ms. Londo served as city manager between
21 November 2005 through November 2006?

22 A Yes, sir.

23 Q Did she serve in that capacity on a full time
24 or part time basis?

25 A Full time.

1 Q Was the amount of money she was paid roughly
2 \$15,000 per month available to the public?

3 A Absolutely.

4 MR. SILVER: I have no further questions.

5 THE COURT: Mr. Coffey.

6

7 CROSS-EXAMINATION

8 BY MR. COFFEY:

9 Q Mr. King, Rory Coffey from CalPERS. You have
10 been present throughout the testimony of the witnesses
11 here this morning?

12 A Yes, sir.

13 Q And you recall part of Ms. Londo's testimony
14 was that she served full time in both the city manager
15 and finance director positions?

16 A Yes, sir.

17 Q We know from exhibits that the finance director
18 position was included in a salary schedule, and it
19 showed a compensation of about \$10,000 per month. Do go
20 agree with that?

21 A Yes, sir.

22 Q So if Ms. Londo was, in fact, employed by the
23 City of Walnut in a full-time capacity as finance
24 director in 2005-2006, she would have been paid
25 approximately \$10,000 a month, correct?

1 A Yes, sir.

2 Q And if Ms. Londo was employed by the City of
3 Walnut in 2005-2006 as city manager on a full-time
4 basis, she would have received approximately \$15,000 a
5 month, correct?

6 A Yes, sir.

7 Q For a total of approximately of \$25,000,
8 correct?

9 A No.

10 Q If you have two positions one is 15 and one is
11 10. That adds up to 25, doesn't it?

12 A But that's not what happened.

13 Q We know that. But if she was indeed full time
14 in both positions, the City as her employer has an
15 obligation to pay the full-time salary?

16 MR. SILVER: I'm going to object. Assumes facts not
17 in evidence. It assumes that she was getting
18 compensated separately for both positions. Ms. Londo
19 testified at length her salary for assuming those two
20 positions would be \$15,000 roughly a month not the total
21 of 15,000 and 10,000.

22 And there is no fact in evidence that says she
23 could enforce the City to pay both salaries. That is
24 ridiculous.

25 THE COURT: You want to respond to that?

1 MR. COFFEY: If the claim is being made that
2 Ms. Londo was legally a full-time position employee of
3 the City in both the director of finance and city
4 manager positions, then I think my questions to Ms. King
5 -- Mr. King about whether commensurate salaries were
6 paid is appropriate and relevant.

7 MR. SILVER: I don't see how it is relevant. If Ms.
8 Londo now has learned she may have been underpaid that's
9 between her and the City of Walnut. It has nothing to
10 do whatsoever with this case.

11 THE COURT: All right. I'm going to overrule. You
12 may answer.

13 THE WITNESS: The answer needs to be qualified.
14 Because as a manager in a government, I could select her
15 to be the city manager and police chief and handle those
16 two duties full time and come up with a salary
17 commensurate with these duties. In this case she
18 handled both duties, which is not unusual for a
19 negotiated price.

20 BY MR. COFFEY:

21 Q Negotiated?

22 A That's correct.

23 Q And one of the elements of that negotiated
24 compensation was the \$10,000 per month salary on a
25 publicly available pay schedule, correct?

1 A Correct.

2 Q And the other element the \$5,000 to push the
3 total to \$15,000 that \$5,000 doesn't show up on a
4 publicly available pay schedule, does it?

5 MR. SILVER: Again, I will object on terms of what I
6 think there is uncertainty as to whether there is a
7 publicly available pay schedule. He's already testified
8 that it was available to the public.

9 THE COURT: What is the nature of your objection
10 without making --

11 MR. SILVER: Assumes facts not in evidence.

12 THE COURT: Overruled.

13 THE WITNESS: I don't know. I don't know if it was
14 publicly available. It wasn't my concern.

15 BY MR. COFFEY:

16 Q Okay. Would agree with me, Mr. King, that in
17 this particular year 2005-2006 the City didn't have a
18 document where it would say left hand column interim
19 city manager, and in right hand column \$15,000 a month?

20 A I haven't looked at the documentation so I
21 can't answer that. I know we had a public hearing, a
22 public city council meeting, and there were minutes
23 published. And we followed the rules as we clearly
24 thought they should be followed.

25 MR. COFFEY: Nothing further.

1 THE COURT: All right. Anything else?

2 Mr. Montgomery.

3 MR. MONTGOMERY: Nothing further.

4 THE COURT: Thank you, sir. Any other witness?

5 MR. SILVER: No other witness.

6 THE COURT: Let's deal with your documentary
7 evidence. Any objection to A through D?

8 MR. COFFEY: No, your Honor.

9 THE COURT: All right. They are all admitted. So
10 that means -- is there any testimony or documents in
11 rebuttal?

12 (Respondent's Exhibits A through D
13 were received by the Court.)

14 MR. COFFEY: No, your Honor.

15 THE COURT: If that's the case then, closing
16 statement.

17 MR. COFFEY: Your Honor --

18 MR. SILVER: I would like oral argument. And if Mr.
19 Coffey would like to have written argument, I'd like to
20 have the chance to reply and submit in writing.

21 THE COURT: Let's -- first of all if the parties
22 agree to oral argument, we'll do that right now. And
23 that will be the end of it. If the parties prefer to
24 file written briefs, closing arguments, then that will
25 be the end of it.

1 MR. SILVER: It is one or the other.

2 THE COURT: One or the other.

3 MR. SILVER: Mr. Coffey and I have discussed this.
4 Let's go out in the hall for one minute.

5 THE COURT: I won't stand in the way whatever the
6 parties agree. We are off the record.

7 (Off the record.)

8 THE COURT: We are back on the record.

9 MR. SILVER: Your Honor, we've agreed on -- we have
10 to pick one or the other. We pick written argument.

11 THE COURT: I think that is a wise choice. Because,
12 you know, this would require greater thought than just
13 right now orally. Give me some dates.

14 MR. SILVER: Well, let me ask you this, your Honor,
15 would you prefer that CalPERS goes first and then we go
16 second and they respond or would you prefer simultaneous
17 briefs?

18 THE COURT: I have no preference. If the parties
19 agree a particular way, that's how we'll do it. If the
20 parties disagree, then I will state what my preference
21 will be.

22 MR. SILVER: How about simultaneous?

23 MR. COFFEY: I think simultaneous is okay. Because
24 I believe that Respondent has the burden of proof. I
25 wouldn't want to go first if I was correct in that

1 assumption. I think we understand what our issues are
2 going to be. So having simultaneous date is fine.

3 THE COURT: What would that date be? Did you
4 discuss that off the record? We are off the record
5 while we discuss this.

6 (Hearing adjourned at 11:50 a.m.)

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

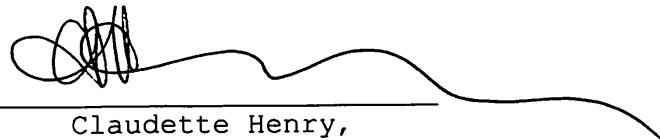
I, Claudette Henry, Hearing Reporter, do hereby certify:

That the foregoing transcript of proceedings was taken before me on November 5, 2014, at the time and place therein set forth, was taken down by me in shorthand, and thereafter transcribed into typewriting under my direction and supervision.

I hereby certify that the foregoing transcript of proceedings is a full, true, and correct transcript of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action, nor in anywise interested in the outcome thereof.

In witness thereof, I have hereunto subscribed my name this 18th day of June, 2015.



Claudette Henry,
Hearing Reporter

A	acquired 65:18	age 85:7 86:3	48:21	approved 17:22
\$10,000 52:12	act 44:6 71:1	agencies 9:24	and/or 27:6	18:7 24:15
53:1 93:19,25	72:24	10:3,3,5,6,8,12	Angeles 11:12	approximately
95:24	acting 44:6	10:12 11:10,13	91:16,19	8:20,25 62:21
\$10,000.60 15:9	63:20,22 65:1	11:15,20 23:5	announced 65:1	64:2 93:25
\$10,060 32:4	65:16 80:9,13	29:2,9	answer 27:12	94:4,7
\$10,362 15:15	80:14,20	agency 12:13	50:24 56:2	approximation
\$15,000 52:14	action 40:7	27:14 29:14	66:23 95:12,13	11:23
73:22 81:18	54:11,14 65:14	46:6 49:10	96:21	April 88:7,8
86:19 93:2	79:4	50:25 51:14	answering 50:19	Arguing 58:15
94:4,20 96:3	actions 37:15	62:15 69:11	anticipated	argument 40:15
96:19	activity 81:8	agenda 24:15	36:17 55:5	58:12 97:18,19
\$15,060 32:4	actual 28:24	68:23	80:25 85:9	97:22 98:10
73:15	32:4 36:11	agendized 65:14	anybody 26:24	argumentative
\$15,568 34:14	71:13 90:13	ago 6:2 22:24	27:4,10,18	35:20 37:18
\$15,568.90 34:2	added 67:5	23:1	29:25 48:24	45:17 47:9
\$15,586.47 35:19	70:11 72:22	agree 23:23 59:4	56:5 73:11	arguments
35:23	74:4 79:14	66:10 93:20	anybody's 42:3	97:24
\$25,000 94:7	addition 23:23	96:16 97:22	42:6	ascertain 17:15
\$5,000 16:22,25	25:10 70:19	98:6,19	apparently 54:1	70:1
17:10 20:1,23	additional 17:11	agreeable 68:14	84:12	asked 15:16
23:24 25:8	20:9 23:24	agreed 81:12	appeal 48:7,14	34:13 43:13
32:4 52:20	24:20 25:2,3,7	98:9	90:1	44:5,7,11
53:2,7 57:17	25:9 53:6,7	agreement 59:12	appear 33:16	63:18,19 74:2
67:5 70:11	57:17 64:3	allow 6:9 32:20	51:19	74:19 77:8
87:9 96:2,3	69:21 85:18	37:15 47:19	appearance 5:22	85:12 86:11
a.m. 2:20 5:2	address 64:14	66:16,17 68:9	appearances 3:1	88:11
99:6	65:3	allowance 33:12	5:11	asking 25:4,6,17
able 14:10 16:20	addresses 65:13	35:13 36:2,18	appearing 5:14	58:18 60:18
16:24 17:1,14	adds 94:11	37:4 75:8 76:8	appears 69:7	assertion 24:13
53:14 66:10	adjourned 69:9	77:13,17 78:1	Applicant 6:6	assessment
67:20,24 79:11	99:6	79:5,15	application	12:14
79:18,20 81:11	adjusted 79:12	allowances	15:21,24	assign 55:13
Absolutely 6:10	adjustment	78:14,15	applied 32:14,15	assigned 5:10
93:3	79:18	allowed 46:17	apply 15:11 26:5	11:12
abundantly	administers 9:16	amount 11:9,15	40:1 44:14,21	assignment 11:8
90:16	ADMINISTR...	13:13 15:7	44:24	assignments 9:4
acceptable 20:3	1:2 2:1	25:7 35:23	applying 19:22	11:16
accepted 81:11	administrative	40:9 41:1,21	appointed 65:16	assist 17:7
accountable	1:5 2:4,21 5:10	46:5,8,14 52:8	71:7,9	assistant 75:2,3
75:4	62:24 84:8	53:9,12 73:22	approach 68:14	86:13,22
accountant	admitted 7:20	76:23 93:1	appropriate	associated 52:16
62:23,24	60:8 61:1 97:9	analysis 16:14	28:7 30:2,3	assume 24:13
accounting 68:5	adopted 38:19	19:25 22:9	50:15 95:6	37:6,10 39:24
achieve 37:16	38:21 50:3	54:3	appropriately	40:4 51:8 64:7
acquire 64:23	advising 54:18	analyst 10:20	9:13 55:12	assumed 68:5,15
	affairs 50:6	analysts 11:14	approval 68:24	78:13

assumes 94:16 94:17 96:11	55:16 59:9 65:21,23 68:7	69:18	brings 13:1	89:14,22 91:7
assuming 15:22 34:15 63:12 70:16 71:25 94:19	69:1,22 70:2 71:20 72:16 74:5 76:23 89:24 93:2 95:25 96:4,7,8 96:14	began 70:15 92:5	broken 11:13	calls 37:25 47:8 48:17 56:21
assumption 99:1	avenue 2:19 47:24	Beginning 14:18	brought 41:19	CalPERS 5:16 5:17,25 7:6,13 8:17,19 9:5,9 9:11,14,16,24 9:25 10:2,14 12:12 14:17 15:8 17:2,9,24 18:10 19:7,12 20:4,12,13,13 23:9 29:1,5,12 29:13 32:2,7 32:19 33:7,10 33:17,22 34:10 35:4,11,16,25 36:11,11,25 37:11,22 38:4 38:20 40:7,23 46:7 49:22 55:4,16,17,19 55:22 56:10,12 56:17,22 57:17 58:1,2 62:3,15 71:12 73:16,19 73:25 75:6,16 75:17,20 76:1 76:6,15,15 78:7,18,22 79:3 93:9 98:15
assurance 12:23	average 12:5	begins 83:9 84:9	budget 75:3,5 88:14	
attached 73:9	avoid 73:2	behalf 5:14	burden 98:24	
attempt 56:1	aware 73:6	believe 6:2 7:8 11:21 17:6 20:18 24:4 25:16,19 26:21 27:22 29:6 31:20 32:15 36:8 37:3 38:21 57:6,8 71:13 72:25 76:11 89:22 98:24	C	
attempting 23:13	B	benefit 9:21 20:13 23:25 45:22 46:12,18 47:5 51:14 55:6 83:11 85:10,15	C 4:23 69:6,6,12 83:23	
attendant 76:3	B 4:13,22 35:3,7 54:17 55:1 65:13 76:10,12 76:13,24 83:7 83:12,17,21 84:9,20 85:15 86:21,24	benefits 9:16 25:8 48:25 62:3,16 89:8	C-H-R-I-S-T-I... 61:10	
attention 24:5 30:14 32:13 33:15 35:18 36:1 41:19 42:3,7 63:7 65:3 68:19 69:17 71:12	back 9:14 13:17 13:18 18:25 54:14 56:22 57:21 59:25 64:13 81:25 87:21 88:4 90:3 98:8	better 11:4 67:1	C-O-F-F-E-Y 5:14	
attorney 3:6,10 5:24 27:15,16 47:1 63:15 66:9 68:22 84:11 88:8	base 24:12 26:4	birthday 84:21	calculate 86:11	
attorney/client 6:3	based 11:11,14 11:17 16:20 26:12,19 33:20 39:10 53:12 70:21 81:9	bit 9:14 38:3 40:18 71:19 88:11	calculated 34:1 39:21 40:24 45:22	
audit 29:6,7,8,22 29:23,25 58:2 58:2	basically 14:1 15:21 17:22 23:21 39:20 52:10 59:12 65:15	blanket 18:5	calculating 46:11 47:15 51:13	
audited 29:15,18 29:21,24 30:7	basis 13:5 29:2 45:5 48:18 59:3 67:15,18 92:24 94:4	board 1:2 2:1 3:2 81:8	calculation 1:7 2:6 5:5 83:11 85:12	
audits 29:1,5	Bear 30:16	book 25:22	calculations 54:19	
August 90:17	bears 69:11	boomer 84:25	California 1:3,4 1:18 2:2,3,19 3:4,8,12 5:1,8 5:15 8:17 25:15 38:5	
authored 24:9 38:9	becoming 65:11	bottom 54:22 71:3	Calipers 18:1 70:15	
authority 7:9 69:10		break 18:20 59:23	call 5:5 7:3,24 41:13,15,25 42:2 45:1 47:10 50:21 55:10,10,10,14 55:15,17,22,23 55:23 56:1,16 56:18,19 57:10 57:11 61:6 90:3,24 91:1	
authors 19:21		brief 58:17	called 8:6 10:5 13:20 56:13 57:9 61:13 63:18 80:13	
automated 52:10		briefly 54:16 55:8 92:19		
available 14:6 22:5 28:25 40:1,10 44:16 46:4,6,16 49:11,13,14,23 51:1,7,15 54:5		briefs 97:24 98:17		capacity 16:5 62:11,22 74:25 92:23 93:23

84:14 CCR 46:7 49:11 center 55:10,14 55:15,23 56:1 56:16 Central 2:19 certain 13:12 25:14 37:15 50:20 58:4 chance 97:20 change 21:6,10 35:1 37:12 44:12 83:10,10 changes 54:19 chart 86:3,7 check 14:5 chief 95:15 choice 74:20 98:11 choices 37:14 chosen 37:23 Chris 6:9 7:1 Christine 1:9 2:8 4:8 5:6,20 61:6,9,12 circular 4:18 17:24 18:1 19:6 22:21,22 23:3 42:21 43:3 44:8,10 44:11 49:8 51:17,20 circumstance 45:7 citizen 69:25 82:13,20 city 1:11 2:10 3:10,11 4:24 5:7,23,24 6:4 7:14 13:2,9,25 14:3,10,13,16 14:24 15:11,14 15:16 16:1,2,4 16:11 17:4,7 17:12,15,21,22 18:19 20:2,2,8 20:9,10 23:25	24:14,17,20 25:2,9,10 26:24 27:15,16 27:18 28:1,4,8 28:14,20 29:2 30:2,2,8,9,10 30:11 31:5,6,9 31:15,16,19,20 31:22 32:2,3 32:21 33:24 34:6,8,14,15 34:17 38:15 39:1,4,25 40:2 40:5,6,20 41:3 41:4,20 44:6 46:22,23 47:1 47:2,25 48:1 48:16 49:1,13 52:4,25 53:2,3 53:8,11,19 54:5,6 57:14 58:3,3,5,6 59:3 61:22 62:2,6,9 62:18 63:2,4,8 63:10,12,15,20 63:20,23 64:5 64:7,12,12,13 64:19,21,24 65:1,11,16 66:1,9,11,12 66:17,20 67:7 67:14 68:9,12 68:14,22,23,25 69:9,16,18,19 70:6,12,15,16 70:18,20,24 71:1,8,9,11,16 71:17,21,25 72:3,5,8,9,13 72:15,18,19,21 73:7,9,11,14 74:3,5,8,15,15 74:17,23 75:2 75:3 76:4 77:8 77:21 80:9,9 80:20 81:4,7 81:12,17,25	82:14,14,15,18 82:18,25 83:2 83:3,3,18 84:4 84:7,8,10,10 84:11,13,14 86:22,22 88:5 88:8,9 91:15 91:19,21 92:12 92:15,20 93:14 93:23 94:2,3 94:14,23 95:3 95:3,9,15 96:17,19,22 claim 95:1 clarification 18:2 clarify 23:4 87:11,19 clarifying 38:17 38:21 class 59:9 classification 58:25 classified 72:6 CLAUDETTE 1:23 2:22 clause 47:16 clear 34:18 50:12 90:16 clearly 20:17 96:23 clerk 70:6 84:10 close 67:7,10 78:14 86:24 closed 64:24 closing 97:15,24 Code 4:24 20:18 25:15 38:5 46:10 70:21,24 83:18 84:4 coded 23:14 Coffey 3:2 5:13 5:14 6:14,15 6:18 7:5,24 8:9 8:10,13 18:16 18:20 19:1 22:15 28:9	35:20 36:20 37:17,25 40:13 42:11,21 45:17 47:7 48:3,8,10 48:17 51:22 52:2 55:1,2 57:25 58:16 60:2,14,20,24 61:5 79:25 80:1,4 83:23 83:25 84:1,25 85:2 86:1,16 86:17 87:22 90:8 93:5,8,9 95:1,20 96:15 96:25 97:8,14 97:17,19 98:3 98:23 column 96:18,19 combine 70:8 come 9:23 11:19 12:5,10 13:14 18:4 30:5 32:13 41:4 44:1 51:10 63:6 84:9 87:13 95:16 comes 11:10,15 41:17 59:17 command 21:21 commence 62:8 66:1 commenced 72:13 commencing 2:20 commensurate 23:25 25:8 81:16 95:5,17 communicate 23:3 30:1 36:2 40:7 communicated 32:20 communicating 36:9 communication	35:4,11 78:7 comparable 66:12 68:24 74:14 compensated 23:24 25:7 94:18 compensation 1:7 2:6 5:6 9:7 9:8,20 10:7,8 10:10,11,11,15 11:7,24 12:18 12:22 13:2,8 13:20,23 17:16 20:3,14 21:25 23:14 25:13 29:10 32:22 33:17,23 34:2 34:3 35:12,18 35:23 37:13,22 39:10,11,16,18 39:22 40:24 41:22 43:16 48:15 52:4,6 52:21 53:1 56:3,4,19,21 56:23 57:18 64:3 66:12 69:21 70:2,8 75:17 76:2 77:18 78:19,23 79:4 83:10,14 89:7,23 93:19 95:24 Complainant 8:6 Complainant's 4:3,14 7:22 18:13 61:3 complaint 82:21 complete 12:25 85:20 completely 57:22 complies 9:12 13:15 14:7 29:10
--	---	---	---	--

comply 12:18,22 29:13 39:18 46:16	contracting 23:4 29:2	78:4,5,15,16 78:25 79:1,15 79:16 80:21 81:13 82:9,19 83:6,19 84:16 84:22 85:4,11 86:6 87:16 88:12 92:14,18 93:25 94:5,8 95:22,25 96:1 98:25	57:23 58:12 59:20,22,25 60:8,12 61:1,4 61:7,14 66:22 66:24 67:3 79:22,25 83:24 85:21,24 87:6 87:17,20,25 88:4,10,13,16 88:20,23 89:2 89:4,15,20 90:4,9,11,18 90:22,25 91:2 91:8 93:5 94:25 95:11 96:9,12 97:1,4 97:6,9,13,15 97:21 98:2,5,8 98:11,18 99:3	99:3 dated 4:21,23 33:7 35:5 dates 98:13 day 12:2,7 45:11 89:14,21 days 87:10 deal 49:22 97:6 dealing 36:24 decided 37:14 75:23 decision 6:5 12:6 36:16 68:8 78:8,11 decisions 59:16 deem 12:17 defer 6:22,23 define 45:2 defined 20:17 46:7 49:11 definition 25:12 39:10 43:19 45:4,13 46:9 59:6 degree 78:10 demanding 51:2 denied 48:15,25 department 27:6 42:19 43:25 44:19 45:13 48:24 68:2,3,6 70:20 71:1,8 department's 46:1 dependent 77:20 depending 36:3 76:20 83:16 depends 45:6 describe 63:16 described 26:20 description 15:17 31:8 descriptive 35:11 53:22 desire 73:24 74:7 desired 36:19
complying 23:5 compose 43:11 computer 13:19 concern 96:14 concerned 39:4 39:24 73:4 concerning 15:2 concerns 71:20 concluded 26:14 conclusion 26:19 condition 43:15 64:1 conditions 64:8 conducted 59:1 confirm 17:14 conflicted 16:6 confusion 23:4 23:10,12 consider 16:13 26:9 considered 20:14 47:1 consistent 28:22 31:12 34:5 constantly 12:1 constitute 33:25 constituted 23:10,12 contact 27:7 57:16 contained 16:13 16:18 34:4 39:5 85:15 contents 63:16 continue 24:19 37:23 74:20 continued 17:3,5 17:5,16 20:10 52:23 continues 84:8 contract 62:2 contracted 62:15	contractor 82:13 contradict 19:21 contribution 39:9,14 contributions 32:10 39:21 40:8,11,25 41:10,21 52:13 52:14 73:21 control 46:20 conversation 30:4 55:4 56:17,24 57:4 63:17 87:12 conversations 6:5 55:9 56:5 coordinate 64:4 coordinating 81:8 copy 18:15,18 21:17 90:21 correct 9:19,25 10:1 17:13 19:23 20:20,23 20:24 22:8,11 23:7 24:3,10 24:11 26:10,16 26:17,20 30:20 30:21 31:13,14 32:5,9,11 33:14 34:11,15 34:23,24 36:6 36:7,12,13 37:16,24 38:5 38:23 39:1,6 39:12,22,23 45:24,25 51:17 52:22 55:6,7 56:20 57:6 59:15 64:6,9 65:17 66:6,7 67:8,9 70:13 71:17,18,21,22 75:21,22,24,25 77:6,19,23	corrected 30:11 correctly 23:2 59:14 council 64:14,19 65:7 68:23 69:10,16 71:9 71:11 72:9 92:12,15 96:22 counsel 3:2 6:7 58:1 90:5 count 87:8 counted 32:21 county 11:11,12 11:20 12:14 couple 22:25 67:10 course 32:12 79:12 court 5:5,18,21 6:8,12,14,16 6:20,24 7:3,11 7:17,20,23,25 8:7,9 15:5 18:12,14,17,22 18:25 22:16 27:11 28:11,17 30:22 31:2 34:13,18 35:21 36:22 37:19 38:1,6,10 40:15 42:10,12 45:18 47:10 48:4,11,19 49:7,17,21 50:9,17,19,24 51:12,21 54:25	Covina 17:7 62:19,22 create 21:16 created 22:7 credit 85:4,7,13 critical 37:1 Cross 4:3 Cross-exam 22:16 cross-examina... 22:19 48:3 80:3 93:7 CTP 56:14 57:1 curiosity 39:3 current 8:21 23:22 53:24 currently 11:12 11:16 customer 56:13	
			D	
			D 4:1,24 69:6 70:23 83:24,25 84:2,3 97:7,12 date 22:22 32:17 32:23 35:14 61:25 69:11 77:7 89:1 99:2	

37:8,16 79:5,6 79:15 details 66:4,8 detective 91:17 91:18 determination 10:23 12:6,11 12:15,16,21 16:19 20:1,19 20:22,25 21:6 21:9,11,24 22:10,13 23:18 37:12 44:8,9 44:12 49:2 57:8,12 86:18 determine 7:10 17:1 37:2 40:23 46:5,8 50:14,17 70:8 76:22 determined 30:8 34:10 36:1 92:16 died 92:9 difference 16:25 17:1 44:3,4,8 49:15,17,18,21 different 9:4 11:10,14,15 13:10,12 37:22 43:23 80:10 83:11,22 differently 80:12 difficult 66:23 direct 4:3 8:12 61:17 68:18 69:17 81:10 91:11 directed 58:3 82:23,24 directing 24:5 30:14 33:15 35:18 36:1 71:12 direction 66:16 director 14:13	15:7,14 16:1 17:6,20 20:8 20:11 23:22 24:20 28:4,21 53:10,11,24 54:15 62:13 63:3 66:13 67:6,14 68:1,8 70:11 75:1 80:17,20 82:7 82:10,12,22 83:4 84:13 88:17 93:15,17 93:24 95:3 disability 9:18 disagree 98:20 disallow 20:22 disallowed 83:14 discipline 84:14 disclosed 30:10 discrepancy 16:3 41:18 discuss 64:16 66:8 99:4,5 discussed 16:23 64:25 68:15 98:3 discussing 6:1 discussion 63:10 63:14 65:11 dispute 7:9 17:9 distributed 19:7 23:1 division 33:7 document 7:15 14:19 15:1,3 15:13 16:9 18:10 19:4 22:6,6 24:22 33:3 34:25 35:1,3 50:21 53:4,5 54:24 54:25 65:6,19 65:22 68:20 69:1,7,8,13,18 69:22 70:23,25	71:23 73:9 76:15,18 78:23 96:18 documentary 97:6 documentation 52:24 96:20 documented 59:14 documenting 56:5 documents 4:16 7:4,8 17:18 35:7,9 70:7,10 97:10 doing 13:22 25:11 26:13 27:21 68:9 87:1 90:15 dollars 52:8 53:2 67:11 83:15 door 90:5 DP 62:24 dropped 13:19 due 50:1 duration 45:3,3 45:8,9,14 duties 17:21 20:9 23:17,25 24:20 25:2,3 53:7 66:14 68:16 70:16 71:10 95:16,17 95:18 duty 17:11 23:19 23:23 25:9,10 53:24 63:12 68:12 70:18	earnable 25:13 39:10,11,16,18 39:22 40:24 41:22 earned 34:6,21 earning 67:8 earnings 52:12 52:14 easy 61:2 educating 58:3 effect 66:15 effective 14:23 30:19 32:17 61:25 72:21 effort 57:16 eight 45:23 57:20 either 67:13,17 80:8 85:6,8 elapsed 89:4 elected 77:22 election 46:25 element 96:2 elements 95:23 employed 8:16 93:22 94:2 employee 8:19 12:13 39:9 43:23 48:15 51:8 56:22 59:13 73:21 81:4 95:2 employees 1:3 2:2 5:8,15 8:17 9:12,13,25 10:8,11 39:14 39:20 43:16 62:3 71:21 72:5,6,7 employer 12:9 39:9 43:17 51:4 55:11 57:14 59:13 73:21 81:4 94:14 employers 10:6 18:4,6 23:13	29:9 employment 37:24 59:10 62:5,8 63:8 72:13,13 74:23 enable 36:18 37:7 59:2 79:6 enacted 38:15 38:17 50:13 enforce 94:23 enforced 47:16 47:17 enrolling 29:11 ensure 9:11 13:15 55:11 entire 44:21 62:5 entitled 69:9 entry 56:18,23 equal 57:25 58:5 85:14 essence 22:12 53:1 essentially 23:3 estimate 11:22 33:10,16 54:19 75:7 76:7,16 83:9,12,13,15 85:3 86:20,24 86:25 estimated 55:5 85:14 etcetera 28:5 59:14 everybody 48:22 77:16 evidence 4:14 7:23 58:6 94:17,22 96:11 97:7 evidently 23:8 exact 32:23 83:16 88:25 exactly 17:20 27:20 80:25 exam 59:2 EXAMINATI...
---	--	--	---	--

8:12 52:1 61:17 91:11 example 46:22 58:23 examples 47:16 excerpt 83:18 exclude 51:16 excluded 20:17 45:21 46:11 47:14 51:13 Excuse 34:13 49:25 exhibit 14:18,19 14:21 15:1,12 16:9,11,14,18 18:13 19:3,9 19:21 21:13,14 21:16,25 22:12 23:20,20,21 24:5,7,16,23 25:22 30:14,15 30:18,22 33:4 33:5,15 35:3,6 38:6,9,10 49:9 53:5,16,17 54:17 55:1 60:8 65:4 68:19 69:5,5 69:12 70:23 71:13 75:12 76:10,24 78:20 83:7,12,17,21 84:2,20 85:15 86:21,24 87:16 90:13 exhibits 7:7,22 16:23 39:6 60:2,2 61:1,3 93:17 97:12 exist 49:20 51:11 existed 51:8 57:1 71:14 existing 42:18 exists 49:24 expect 30:12 experience 19:22 36:14,24	44:18 explain 17:20 explanation 18:2 extend 74:17 extent 48:17 extra 67:22 87:8 <hr/> <p style="text-align: center;">F</p> <hr/> F 1:9 2:8 5:6 F-R-A-N-C-I-S 61:10 fact 28:3,19 32:1 41:9,20 42:6 47:24 50:14 51:10 54:1 60:6 93:22 94:22 factor 11:17 49:2 85:17 factors 37:1 facts 94:16 96:11 fail 46:8 fair 23:9 26:7 28:5 29:17 30:7 31:24 33:21 35:10 37:9 50:23 68:10 71:23 77:24 familiar 13:1 17:23 19:12 25:12,14,17,20 familiarity 13:6 far 40:2 72:12 figure 78:19 79:4 figures 86:20,24 file 32:13 97:24 fill 59:2 filled 79:19 final 1:7 2:6 5:6 32:22 33:17,23 34:2 35:18,22 37:12,22 76:2 77:18 78:18,23	83:10 finalize 57:7 finance 14:13 15:7,14 16:1 17:6,20 20:8 20:11,11 23:22 24:20 28:4,21 34:16,17 53:10 53:10,24 54:14 63:3 66:13 67:6,13 68:1,8 70:11 75:1 80:17,20 82:7 82:10,12,22 83:4 84:13 88:17 93:15,17 93:23 95:3 financial 35:12 62:13 75:17 79:3 88:15 find 19:22 26:25 27:20 41:5 43:22 44:13,23 54:17,21 57:15 64:19 70:1 75:13,14 finding 48:14 89:23 fine 60:24 66:24 99:2 finish 27:11 88:14 Finished 19:18 finishes 66:22 first 7:3 10:14 12:19 14:4,8 21:5,9,22 24:6 24:8 32:19 45:21 53:17 71:2 78:6 81:3 97:21 98:15,25 fiscal 15:14 five 38:25 64:2 80:8,24 87:10 87:25 five-day 89:4,10 five-minute	18:20 59:23 flag 41:24 52:18 Flores 1:5 2:4,21 5:9 flowing 64:4 fluctuation 13:13,17,20 14:15 focused 9:20 52:5 follow 51:5 90:6 followed 96:23 96:24 following 15:13 22:9 50:22 follows 8:7 61:14 91:8 forget 39:19 87:7 form 54:11,14 formal 73:8,9 87:13,15 former 6:2 formula 77:21 forth 7:8 22:12 78:15,19 forward 41:20 found 16:4 30:8 foundation 28:9 36:20 47:7 four 31:18 87:2 91:23 four-page 18:10 fourth 31:1,1 43:15 frame 17:15 52:6,25 57:16 67:25 73:5 81:2 82:6 86:14,20 Francis 61:9 frequently 29:14 Friday 89:14 front 25:22 75:13 76:10 80:23 full 8:1 20:10	61:8 64:12 81:16 86:19 92:23,25 93:14 94:13 95:16 full-time 26:3,10 26:15 28:3,4 28:20,21 66:20 93:23 94:3,15 95:2 function 68:6,9 82:12 funded 75:4 further 42:9 59:19,21 79:21 87:24 90:7,8 90:10 93:4 96:25 97:3 furthermore 24:7 <hr/> <p style="text-align: center;">G</p> <hr/> GC 46:9 geographical 11:17 getting 78:13 94:17 give 11:23 46:22 57:25 90:20 98:13 given 10:15 11:3 11:7 37:13 53:13 gives 7:9 giving 49:19 Glendale 1:18 2:19 5:1 go 6:4 25:22 41:10 44:18 45:20 50:7 60:6,7 66:17 86:9 88:1 93:19 98:4,15 98:25 goes 55:23 84:10 98:15 going 19:2 24:17 24:19 35:1
---	---	---	--	--

44:24 46:2 47:4 50:1,9 60:15,22 65:10 80:24 81:21,22 82:1 85:16 86:19 87:8 88:6 89:22 94:16 95:11 99:2 good 5:13 8:14 8:15 68:5 80:5 80:6 gosh 11:1 government 20:18 25:15 46:10 70:20 71:8 84:8 95:14 graph 86:3,3,7 greater 77:25 98:12 green 41:24 group 59:9 72:8 72:11 84:25 guarantee 34:1 guard 90:1 guess 5:24 33:4 42:19 44:17	happens 13:16 21:10 55:25 happy 6:1 hat 80:16,19,21 84:13,13 hats 80:16 head 47:22 48:20 70:19 71:1,7 84:8 heading 19:10 19:15,23 hear 5:10 7:9 23:2 heard 2:21 hearing 1:23 2:22 7:12 96:21 99:6 held 8:23 help 25:23 HENRY 1:23 2:22 hide 73:18 74:8 hiding 32:7 high 41:10 higher 27:13 59:5 68:7 78:1 78:3 highest 26:4 28:7 58:25 hired 64:21 88:16,18,19 hold 69:6 71:10 Honor 5:13 6:15 6:19 7:5,9 8:10 18:9 34:19 40:16 42:11 50:1 51:22 55:1 57:25 61:5 80:1 97:8 97:14,17 98:9 98:14 hours 67:21 Housing 69:10 HR 27:6,8 Humberto 1:5 2:4,21 5:9 hundred 67:11	83:15 86:9 hypothetical 28:10 36:21 47:8	<hr/> I <hr/> idea 71:24 identification 4:14 18:14,17 90:13,23 identifies 69:20 identify 52:8 II 8:22,24 22:2,4 imagine 84:16 improper 48:3 74:13 improperly 40:12,24 Improvement 69:10 inappropriate 40:8,25 41:21 incident 50:4 include 7:11 28:7 85:19,21 included 31:16 31:20 46:17 72:10,14,18 73:8 85:17 93:18 income 33:11 37:7 40:9 58:10 73:8,16 Incomplete 28:10 36:21 47:8 incorporate 86:25 increase 52:20 67:21 68:24 77:12 79:10 85:9 87:2 increased 73:15 85:8 increases 79:13 86:4,4,5 87:1,4 87:5	indicate 57:15 indicating 54:5 individual 11:24 55:4,19 56:22 individuals 36:24 inform 78:18 88:5 information 12:8 16:13,18 16:20 23:4,16 24:2,12 26:18 36:10,11 37:13 51:3 54:4 64:23 65:15,18 70:3 71:19 75:20 informed 30:10 65:10 87:7 initial 14:1 52:18 56:17 57:7,8 inquire 57:10 inquired 58:1 inquiries 58:7 inquiry 58:9 insist 79:3 instance 81:3 intended 54:6 intent 73:18 interaction 56:8 interim 14:15 16:4 17:12 20:2,10 24:17 53:3,18,22 69:19 70:12 80:9 81:12 84:13 96:18 interpretation 50:21 introduce 60:17 60:19 investigation 26:13 involve 56:3 involving 12:12 irrelevant 47:9	57:19,22 60:5 issue 46:25 64:25 89:17 issues 7:12 18:3 55:17 99:1 item 24:15,25 65:13,13,14 68:23 69:20 84:9 items 70:14
<hr/> H <hr/> H 3:6 4:13 Hadden 3:7 5:19 half 8:20,25 9:5 23:1 54:22 hall 82:15,18 98:4 hand 96:18,19 handle 95:15 handled 83:4 95:18 hands-on 10:19 happen 54:10 happened 21:8 54:1 73:1 74:22 79:10 94:12 happening 73:2	<hr/> J <hr/> J 3:2 January 33:8 34:11 35:5 76:6,14 84:21 Jeff 63:18 Jeffery 63:5 Jimenez 21:19 21:20 job 1:24 8:21 67:22 jobs 67:20,24 68:4 joined 10:14 judge 1:5 2:4,21 5:10 July 14:23 26:6 30:20 63:1 71:14 72:21 75:4 84:22 June 32:16 75:6 junior 62:23 jurisdiction 7:21 jurisdictional 4:16 7:7				
	<hr/> K <hr/> K-A-R-I-N 8:2 K-I-N-G 91:4 Karin 4:4 5:16 7:24 8:2,5,14 87:12 89:21 keep 64:4 kind 10:18 12:5 12:11 18:5 51:2 54:11				

74:10 86:8	3:6 5:10 9:12	levels 42:5 83:5	54:6,17 93:13	manager 12:19
kinds 55:17	12:18 13:15	Levine 3:7 5:20	long 8:19,23	14:16 16:2,4
King 4:10 91:1,4	18:7 20:18	lifestyle 76:25	10:24 11:19	17:7,12 20:3,9
91:6,13 93:9	23:6 29:10,13	lifetime 31:19	22:4 59:7,12	20:10 21:4,22
95:4,5 96:16	39:18,19,20	light 41:24	62:20 64:1,17	21:23 22:1,3,4
knew 68:4	51:5	limited 45:2,3,8	68:3 91:18	24:1,14,18,21
know 16:3 17:3	learn 44:5 78:22	45:9,14	92:7	25:2,9,10 28:1
17:19 18:6,7	learned 78:25	line 12:19 21:5,9	longer 10:20	28:4,8,14,20
23:19 27:5,23	79:17 95:8	52:16	88:11	30:3,9 31:9,16
28:2 29:16,23	leave 7:2 20:7	lines 52:10	look 14:5,17	31:20,23 32:3
30:4 33:25	leaving 63:19	list 15:23,24	19:3 30:16,17	32:21 33:24
34:3 40:3 41:2	90:5	listed 28:25	38:8 43:15	34:6,14,15,17
41:2 42:4	left 88:15,17,25	45:23 72:3	49:8 65:4	38:16 39:1,4
43:13,24 44:1	89:3 96:18	little 9:14 40:17	80:11 81:25	39:25 40:2,6
45:11,12 47:15	legal 3:3 48:17	45:16 88:11	83:17	40:21 41:3
47:22,23 48:14	80:11	live 52:10	looked 31:18	44:6 46:23
48:20,22 50:11	legally 95:2	living 36:19 37:8	86:2 89:18	47:25 53:3,8
53:24 55:21	length 11:1	79:7	96:20	53:19 54:6
56:7 57:9	38:12 81:20	load 11:3,7,16	looking 14:9	62:25 63:4,12
65:24 66:24	94:19	11:19	52:7,15,23	63:20,20,23
72:2,12,23	let's 11:22 21:13	local 10:12	53:16 54:16	64:5,8,12,12
75:12 80:10,23	22:21 24:24	12:13 29:14	81:7 84:20	64:21,25 65:2
82:17 88:16	29:17 30:22	Londo 1:9 2:8	looks 32:15	65:12,16 66:1
89:8,20 92:5	50:9 53:16	4:8 5:7,20 6:11	Los 11:12 91:16	66:11,13,20
93:17 94:13	55:14 58:23,25	13:2,9,23	91:19	67:7,14 68:5,9
96:13,13,21	63:1 74:2	15:11 17:3,10	lose 47:4	68:12,25 69:19
98:12	77:15 83:17	17:17 20:2	lost 30:16	69:19 70:12,16
knowing 86:20	89:8 97:6,21	23:17 26:14,25	lot 12:8	70:18 71:1,17
knowledge	98:4	27:20,24 28:19	loud 26:1	71:25 72:3,9
29:25 30:5	letter 4:18,21	31:22 32:20	low 41:9	72:14,19,21
31:15 33:20	7:13,14 18:1	33:7,22 35:4	lower 79:3 83:4	73:14 74:5,8
36:15 72:18	19:6 21:12,19	35:12 36:9		74:15,18 75:2
known 37:11,21	21:24 22:22,22	37:11,21 38:15	M	75:3 76:4 80:9
79:2 87:4	23:3 24:10,13	38:25 44:5	maintain 36:19	80:9 81:7,12
L	26:13 33:6	47:4 48:25	37:8 74:23	81:17 82:25
L-O-N-D-O	34:4,4 35:14	52:4 53:1	76:25,25 79:6	83:3 84:7,13
61:10	35:22 38:3,9	54:18 57:2,5	majority 68:10	84:14 86:13,23
LA 3:11 11:20	42:22 43:3,11	57:14,16 58:6	making 22:13	88:9 92:20
12:13	44:9,11 49:4,9	58:8 61:6,9,12	36:15 52:3	93:14 94:3
lack 11:4	51:2,20 76:14	61:19 80:5	68:8 96:10	95:4,14,15
Lacks 28:9	78:15	86:2 87:23	management	96:19
36:20 47:7	letters 7:13	92:20 93:22	11:9 12:19,24	manager's 21:22
language 54:18	17:24 33:5	94:2,18 95:2,8	14:22 16:6,22	47:2 73:7 74:3
83:8	35:2	Londo's 14:12	21:1,9 31:5	80:21
large 11:13	level 21:22 22:1	15:2,17 32:3	42:1,5 43:12	managers 40:5
law 1:5 2:4,21	22:2,4 27:14	33:17 39:25	45:1 72:4,14	41:20
	68:7	47:24 52:21	72:19 74:4	manner 52:7

March 88:8	51:14	52:13,20 53:7	88:23 89:9	7:16
mark 90:12	members 9:17	67:11 81:18	newer 54:12	obligation 94:15
marked 4:14 7:6	9:25 10:2	93:2,19,25	newsletter 18:5	observed 31:12
14:18 16:8	20:12 29:11	94:5,20 95:24	nonresponsive	obviously 9:24
18:10,12,13,17	33:10 36:25	96:19	28:16	occasion 64:1
19:3 33:4 35:6	55:4,16	months 11:2	normally 27:6,8	80:7
69:4,12 70:22	memo 26:19	64:2 77:5,9	27:13,14 82:24	occupation
90:22	42:16	80:8,24 81:6	92:8	91:13
Mary 21:4	mentioned 63:18	81:21 92:10,10	North 2:18	occupied 34:22
material 19:15	66:25	morning 5:13	notes 56:9,10,14	occupy 67:17
materials 57:13	Michael 3:10	7:10 8:14,15	57:1 67:1	occupying 26:15
matter 1:7 2:6	5:23 24:25	80:5,6 93:11	84:10 88:1	67:13
5:5,6,8,10 6:1	mind 73:5	motivated 72:23	notice 7:12	occur 47:24
6:7 7:10 13:1	mine 75:14	MOU 59:8	90:18	occurring 86:19
16:15,19 17:9	minute 26:2	Move 28:16	notification	October 22:23
20:19 52:24	27:11 98:4	moving 54:12,14	87:13,15	42:16 43:3
matters 58:4	minutes 4:23	multiple 91:15	notified 89:6	65:8
maxed 86:8	65:7,9 69:15	91:23	notifying 35:12	offer 7:6 35:2
maximum 15:7	87:25 96:22	Municipal 70:21	November 1:19	60:2
15:15 16:22	moment 6:2	MyCalPERS	2:20 5:1 27:19	offered 74:17
mayor 6:2 91:15	30:17	52:9	27:20 34:6,7	office 3:3 29:6
91:21,25 92:1	Monday 88:25		68:23 69:11,15	71:7 82:15
92:2,9,12,15	89:12,13	N	87:14,14 92:2	officer 58:24
92:16,20	money 41:1	N 4:1	92:3,21,21	59:3
mean 18:8 39:17	74:15 93:1	name 5:9 8:1	number 15:12	official 63:11
44:16 47:4	MONICA 3:8	61:8 91:2	15:12 30:25	90:18
59:10	Montgomery	nature 7:8 55:8	55:16,22,22	Oh 11:1
meaning 47:19	3:10 5:21,23	56:18 96:9	71:13 77:25	okay 5:18 6:13
83:15	5:23 6:9,13,24	near 30:25	numbered 30:18	13:22 14:17
means 97:10	7:1,18,19	necessarily	numbers 35:2	17:23 18:9
meant 52:19	18:18 24:25	39:17	52:11 85:6	19:20 21:8,13
measure 58:1	26:24 42:12,13	need 9:22 12:8	O	22:12 24:24
measurement	42:15,23 43:1	43:9,12 44:25	OAH 1:9 2:8	25:25 26:12,18
76:2	45:19 47:12,13	45:2 51:5	object 48:18	30:17,18 32:1
meet 45:23 46:8	48:5,9,13,23	85:13 87:11	50:1 85:16	35:16 36:8,14
meeting 65:8,22	49:6 58:15,18	needs 95:13	94:16 96:5	37:11 39:3,8
68:24 69:16	59:20,21 60:17	negotiate 72:8	objection 7:17	43:14 45:2
96:22	63:15 64:7,10	81:11	15:3 28:9	49:12,21 51:21
meetings 69:9	65:11 74:11	negotiated 81:15	35:20 36:20	53:16 54:16
member 12:10	79:22,24 90:9	81:20,24 95:19	37:25 40:13	57:4 59:1,12
12:13 15:24	90:10 97:2,3	95:21,23	45:17 47:7	59:18 73:21
33:7 41:13,15	Montgomery's	negotiates 72:9	48:3,10 50:10	78:17 82:4,11
55:10,15,19	50:20 64:20	negotiation	57:19 60:4,5	83:25 87:3,6
56:17,22 65:23	month 11:25	68:21	60:15,22 96:9	88:10 89:2
69:2,23 92:13	15:9,15 16:22	never 29:22 30:6	97:7	90:4 92:19
member's 45:22	17:10 20:1,23	72:10 82:7	objections 7:15	96:16 98:23
46:12 47:15	23:24 35:19	new 43:4 88:19		omission 31:22

<p>once 29:18,21 53:25</p> <p>one-year 27:1 66:20 68:11 74:16</p> <p>open 90:5</p> <p>opening 6:16,18 6:20,24</p> <p>operative 90:17</p> <p>opinion 48:18 50:6 80:10,11</p> <p>opportunity 74:17 87:17</p> <p>opposed 9:21 49:13,23</p> <p>option 76:20</p> <p>options 36:3 49:20</p> <p>oral 97:18,22</p> <p>orally 98:13</p> <p>ordered 44:6</p> <p>original 21:16</p> <p>outcome 30:13</p> <p>outgoing 66:12</p> <p>overpaid 41:6 41:16</p> <p>overrule 50:9 95:11</p> <p>Overruled 15:5 28:11 35:21 40:15 48:19 85:24 96:12</p> <p>overtime 20:14 25:16,19</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 71:2</p> <p>package 66:15</p> <p>packet 14:18</p> <p>page 19:9,10 24:5,8 25:22 30:16,16,23,25 31:1,1 35:18 36:1,6 38:11 42:17,19,19 45:20 49:8 50:7 54:17</p>	<p>55:1 65:13 69:20 71:2,3 83:7 84:21 90:16</p> <p>pages 70:23</p> <p>paid 9:13 10:8 10:11 13:2,9 17:10 20:1 32:10 39:9 40:8,12,25 48:2 53:1 70:1 73:22 93:1,24 95:6</p> <p>paragraph 24:6 24:8 26:12 43:16 44:14 45:21 49:9 83:9</p> <p>pardon 42:19,23</p> <p>Parker 63:5,7,19</p> <p>part 13:22 16:14 20:22 26:9 27:25 28:13 72:10 74:7 84:4 89:6 92:24 93:13</p> <p>part-time 67:15 67:18 72:7</p> <p>particular 12:12 33:13 37:3 39:5 51:13 52:5 77:3 78:20 92:16 96:17 98:19</p> <p>parties 97:21,23 98:6,18,20</p> <p>Paul 71:2</p> <p>pay 13:17,18,24 14:2,6,6,7,12 14:16 15:10 19:11,13,23 20:4,14 23:11 23:14,15 26:4 26:4,10 28:7,8 28:14,25 30:1 30:8,9 31:4,9 32:1 40:1,10</p>	<p>40:22 42:20 43:2 45:21 46:2,3,4,5,7,8 46:9,15,16,20 47:19,20,25 48:16 49:1,11 49:13,14,23 51:1,7,15 52:11,13 53:12 58:19 59:5,6 59:15 64:16 66:4 67:6 70:10 85:18 86:13 94:15,23 95:25 96:4,7</p> <p>paying 41:21</p> <p>payroll 9:10 10:21 12:1 13:11,12,13 14:5,9 16:21 27:5,6,7 34:9 47:2 52:16 55:12</p> <p>pejoratively 52:20</p> <p>pending 37:17 48:8</p> <p>pension 37:16 41:9 76:19,23</p> <p>pensionable 33:11 58:10 73:7,16</p> <p>people 27:14 36:15 37:1 40:20 41:5 82:17</p> <p>perceived 49:5</p> <p>percent 39:19 64:3 86:10</p> <p>percentage 12:24 39:11,13 39:14,21 77:18 77:20 78:3 79:9 86:5</p> <p>perform 24:20 29:1 71:10</p> <p>performed</p>	<p>11:24 23:17 26:14</p> <p>performing 23:25 25:1,8 28:20 53:7 68:11</p> <p>period 10:24 17:11 27:1 29:18,21 34:22 37:23 66:20 68:11 74:16 76:1,2 80:15 89:4,10 91:24 92:17</p> <p>periods 91:24 92:11</p> <p>PERL 12:22</p> <p>permanent 26:3 54:7 59:3</p> <p>PERS 30:7 52:7 60:9 86:9,11 86:21 87:8 89:6,17</p> <p>person 27:22 56:16 59:4 83:5 88:18,19 88:23 89:9,9 89:18</p> <p>personally 73:6</p> <p>personnel 54:11 54:14 64:25</p> <p>pertains 19:13</p> <p>Peterson 21:4</p> <p>phone 27:24 87:12</p> <p>physically 82:15</p> <p>pick 98:10,10</p> <p>piece 29:12</p> <p>place 13:11 53:21 87:5</p> <p>please 18:15 26:1 36:22 47:11 48:12 54:25</p> <p>pleasure 71:10</p> <p>plus 15:15 32:4 42:5 70:11</p>	<p>73:22</p> <p>point 11:3 49:6 56:14 63:6 70:25 84:9 86:7</p> <p>police 58:24 59:1,3,5 91:16 91:18 95:15</p> <p>policy 42:18 43:4,5</p> <p>political 46:25 47:1,3</p> <p>politically 74:12</p> <p>population 46:23</p> <p>portion 49:3 69:18 70:24</p> <p>position 13:25 14:13,14 15:2 15:6,9,17,22 15:23,25 17:17 17:22 20:7,11 23:22 24:14 26:10 28:20,21 28:24,25 31:5 31:8,16 43:18 43:23 44:24 46:1 48:1 52:8 52:16 53:2,3 53:11,18 54:12 54:13,15 58:25 59:2 63:2 64:5 67:14,14 70:11 72:2 74:3 79:19 81:17 82:7 93:18 95:2</p> <p>positions 26:3,3 26:9,15 31:6 34:22 67:18 93:15 94:10,14 94:18,20 95:4</p> <p>possibility 63:11 87:1,12</p> <p>possible 26:21 27:2 28:24 29:19 44:25</p>
---	--	---	--	---

45:6 52:19 possibly 31:18 50:14 powers 70:18 precipitated 72:23 preexisting 43:4 43:6,8,9,15 50:22 51:15 67:6 prefer 80:8 97:23 98:15,16 preference 98:18,20 prepared 71:24 84:20 85:3 present 7:4 40:21 93:10 presented 76:24 81:23 prevented 47:5 previous 26:8 28:15 50:20 53:9 54:12 66:25 67:7 80:7 previously 7:6 16:23 price 95:19 printing 14:8 prior 9:2 62:14 74:3 78:17 92:9 probability 29:24 probably 11:2 12:2 27:14 33:5 88:7 problem 6:3 28:13 proceed 6:14 21:11 PROCEEDIN... 1:17 2:18 process 10:22 81:1 processes 13:11	profession 91:14 program 8:22 8:23 9:1 11:6 22:2 promote 84:9 promoted 62:24 promotion 59:2 proof 7:12 98:24 properly 29:10 30:9 57:18 59:15 propounded 38:4 provide 14:10 46:6 49:10 50:25 51:3,4,9 51:11,14 75:7 76:7 provided 14:12 14:24 16:11 36:10 46:9 49:24 provides 33:10 providing 49:14 49:19 51:9 provision 25:16 25:19 26:5 48:6 provisions 25:14 90:13 public 1:3 2:2 5:8,15 8:17 9:12 10:2,6,6 10:12,12 11:20 12:13 29:9 46:2 47:6 62:15 65:19,22 65:22 69:1,2 69:22,23 70:4 71:20 93:2 96:8,21,22 publication 46:20 publicly 14:5 28:25 30:10 40:1,9 46:4,6 46:16 49:10,13	49:14,23 51:1 51:7,15 70:2 72:15 74:5 89:23 95:25 96:4,7,14 publish 46:24 47:2 48:16 49:1 published 96:23 PUENTE 3:11 purport 31:4 purports 35:3 70:23 purpose 23:3 29:7,8 84:19 90:15 purposes 7:7 9:11 17:10 89:7 push 96:2 put 5:25 6:7 53:17 56:10 58:12	95:4 quite 38:3 quote 50:2,8 53:18,19 quoted 38:12 89:24	70:12 76:15 83:12 85:18 94:4 97:13 recipient 5:25 recognize 14:19 16:9 19:4 21:14 recognized 13:19 89:7 recollection 25:21 recommendati... 64:20 reconcile 16:21 16:24 53:14 record 5:12,25 7:25 18:23,24 18:25 33:6 34:18 49:25 50:16,18 59:24 59:25 61:7 65:19 69:1,22 70:4 71:6 87:16 88:3,4 91:3 98:6,7,8 99:4,4 recover 48:1 recross 4:3 87:18 RECROSS-E... 58:21 recruitment 64:5 81:1 88:21 red 41:24 redirect 4:3 42:10 51:21 52:1 87:20 refer 50:2 56:19 reference 53:18 referenced 25:13 39:6 83:8 reflected 32:3 refresh 25:21 refunded 40:11 regard 35:17
R				
R-O-R-Y 5:14 rarely 51:10 rate 13:17,18 14:6 26:4 28:7 28:8 30:9 32:2 46:9,15 47:19 52:11,14 59:5 67:1 85:18 86:13 ratio 29:23 rationale 22:13 reach 79:11 read 19:15 24:7 25:25,25 28:6 54:23 71:5 reading 16:25 51:17 ready 6:14 real 92:19 realize 66:18 really 11:14 34:3 44:15 45:1 87:11 reason 37:6 72:2 80:11 88:13 rebuttal 97:11 recall 13:22 15:20,25 26:22 27:2,4 42:8 57:3,4 88:6 89:11 93:13 receive 12:8 15:10 39:13 53:6 75:16 79:5 received 4:14 7:23 10:18 17:18 32:21 61:4 64:2				
Q				
qualified 71:9 95:13 quality 12:23 question 27:12 28:17,19 34:13 37:17 38:14 40:17 42:24 46:15,15,19 47:11 48:8,9 48:11 49:3 50:4,20,24 52:5 55:21 58:17 66:23 74:12 82:21 87:6 questionable 18:3,3 questions 18:4 42:9 49:7 50:2 55:5 59:19 79:21,23 88:2 90:7,8 93:4				

regarded 59:15 73:7	32:2,6 33:23 34:8 39:15	rest 59:7 61:2	89:8,13	ROAD 3:11
regarding 20:1 57:2 66:4	41:6 46:5,8 52:4,6,21	result 21:6 41:11 67:21 68:21 83:10	retiring 12:9 55:20	role 64:3,7 71:25
regular 29:1 65:7	57:18 70:15 73:16 78:23	resulted 58:2	returned 57:11 75:1	ROOM 3:3
regulation 19:13 38:4,5,18,19 38:21 44:21,24 50:3,5,8 90:14	reporter 1:23 2:22 8:7 61:14 66:24 91:8	results 58:2	review 9:7,8,10 9:20,22,23 10:7,7,10,10 10:15,21,23 11:7,9,9 12:3 12:14,19,22,24 13:9,20,23 14:8 15:21 16:14 17:14 19:25 21:5,9 21:25 22:9 41:5,8,12,13 41:15,16,17 42:5 44:4 52:3 52:19,23 54:3 56:4,19,21,23 57:1,7,9,13	Rory 3:2 5:14 93:9
regulations 19:22 59:7 90:19	reporting 29:9 41:20 55:12 58:4 64:13	resume 53:24	retire 33:12,18 35:13 36:16 37:2,15,23 61:22 75:10,18 75:23 76:19 77:1,3 78:8,11 88:6	roughly 29:15 92:5 93:1 94:20
related 55:17 57:13 65:10	represent 65:6	retained 23:22 66:13	retiree 46:19	rub 84:24
relates 69:18	representative 26:23 89:16	retiree's 41:9,10	retirement 1:3 2:2 5:9,15 8:18 8:22,23 9:1,11 9:12,16,18,18 11:6 15:21,23 15:24 20:12 22:2 32:14,16 32:17 33:11 35:13 37:3 39:8,21 40:8 40:11 45:22 46:12,18 47:5 47:15 48:25 51:14 55:6,20 57:10,21 58:9 58:11 61:25 62:3,16 75:7 76:8 77:7,13 77:17 78:17,25 79:2,5,17 85:7 85:10,15 86:4	rules 50:22 96:23
relation 58:18	represented 68:20	retiree's 41:9,10	retiree's 41:9,10	run 44:25
relevance 40:13 57:23	representing 5:20 18:18	retiree's 41:9,10	retiree's 41:9,10	running 68:2
relevant 40:14 50:10 95:6,7	represents 69:13	retiree's 41:9,10	retiree's 41:9,10	
relied 24:2	request 14:1 55:17 70:4 75:6 76:6,16 77:7	retiree's 41:9,10	retiree's 41:9,10	<hr/> S <hr/>
relief 47:24	requested 13:24 14:2,11	retiree's 41:9,10	retiree's 41:9,10	S 4:13
rely 36:17 37:1 38:3 78:6	require 98:12	retiree's 41:9,10	retiree's 41:9,10	SACRAMEN... 3:4
remarks 6:18	required 43:17 43:20,24,25 44:13	retiree's 41:9,10	retiree's 41:9,10	salaries 40:22 71:20 94:23 95:5
remember 11:1 32:23,25 33:1 33:2 36:9 69:5 89:15	requirement 73:6 89:25	retiree's 41:9,10	retiree's 41:9,10	salary 14:22 16:6,23 17:16 23:23 30:19 31:4,9,16 32:1 32:4,21 34:6 34:21 39:4,5 39:25 47:2 48:2 51:13 68:24 69:21 71:13 72:14,14 72:19,19 73:7 73:8,15 74:4,4 74:8,14 76:3 79:10,13 81:16 81:17 86:22 87:1 89:24 93:18 94:15,19 95:16,24
rendered 26:6	resigned 82:7	retiree's 41:9,10	retiree's 41:9,10	SANTA 3:8
repeat 40:17 42:24	respect 40:5,20 50:1	retiree's 41:9,10	retiree's 41:9,10	satisfied 59:8
rephrase 36:22 47:11	respond 94:25 98:16	retiree's 41:9,10	retiree's 41:9,10	satisfy 59:6
replacement 64:25	Respondent 1:9 1:11 2:8,10 3:6 5:7,7,20 61:13 91:7 98:24	retiree's 41:9,10	retiree's 41:9,10	save 33:21
replacing 63:11	Respondent's 4:6,20 97:12	retiree's 41:9,10	retiree's 41:9,10	saving 74:15
reply 97:20	Respondents 61:19	retiree's 41:9,10	retiree's 41:9,10	saw 52:11,11
report 17:16 23:13 56:9	response 64:10 75:16 76:16	retiree's 41:9,10	retiree's 41:9,10	saying 44:12 85:9
reportable 15:8 17:2		retiree's 41:9,10	retiree's 41:9,10	
reported 1:22 2:22 9:10 13:23 14:9 16:21 26:4		retiree's 41:9,10	retiree's 41:9,10	

says 24:17 25:6 26:8 34:1 39:19,20 45:21 46:13,14 51:12 70:25 94:22	65:9 66:16 75:13,14 83:8 84:19 88:1,20 89:8 90:3 95:7	set 7:8 13:11 22:12 78:15,19	91:1,12 93:4 94:16 95:7 96:5,11 97:5 97:18 98:1,3,9 98:14,22	57:14
scales 58:5	seen 35:7,9	setting 6:7	similar 15:12,13	specifics 64:14
scenario 76:24	select 95:14	seven 8:20 9:5 50:3,13,15	simple 60:23	speculation 37:25 47:8,11 85:22
schedule 13:24 14:2,6,7,12,16 14:22 16:6,23 28:14,25 30:17 30:19,24 31:5 31:10,17 39:5 40:1,10,22 45:21 46:2,5,7 46:17,20 47:20 47:25 48:16 49:1,11,13,14 49:23 51:1,7 51:15 53:13 71:14 72:3,4,5 72:7,15,20 73:8 74:4 93:18 95:25 96:4,7	selected 36:4 76:2,20 78:12 senior 3:2 10:19 sentence 25:20 26:1,8 28:6,22 28:23 43:16 53:17	shortchange 73:24 shorter 40:18 shortly 76:19 show 33:3,6 68:18 69:4,7 70:22 96:3 showed 53:4 93:19 showing 52:25 85:4 89:24 shown 86:21,24 shows 35:16 72:4,6,7 86:3 sign 22:5 signed 21:19,25 22:3 significance 53:21 Silver 3:6,7,7 5:19,19,19,19 6:10,20,22 7:13,16 15:3 18:15 22:17,20 27:17 28:16,18 30:24 31:3 34:17,19,20 35:24 36:23 37:20 38:2,8 38:11,13 40:14 40:16,19 42:9 49:25 50:12,18 50:23 57:19 58:8,14,17,22 59:19 60:4,10 60:13,15,18,21 60:25 61:6,18 67:4 79:21 83:21 84:24 85:16,23 86:14 87:15,19,24 90:7,12,20,24	sir 91:2 92:22 93:12,16,21 94:1,6 97:4 situation 33:20 49:22 72:25 74:10,13 six 38:25 50:3,13 50:15 81:6,21 92:10 six-page 35:1,3 slash 14:13 15:14 slightly 77:12 slow 55:14 small 26:12 smoothly 68:2 sole 53:11 90:15 solely 20:8 53:11 somebody 26:8 27:5 29:24 58:23 74:12 83:1 soon 32:14 60:18 sorry 30:15 40:16 41:7 42:12,24 83:25 87:20 sounds 81:10 speak 31:21 34:4 speaks 15:3 54:24 specialist 8:22 8:24 9:1 22:2 specialists 11:6 specific 34:8 35:11 specifically	speculative 85:23 spell 8:1 61:7 91:2 spend 68:9 spent 68:11 spike 52:19 spoke 88:8 staff 3:2 21:23 22:4 55:13 68:3,3 stand 98:5 standard 36:19 37:8 59:10 79:6 start 11:17 62:23 83:1 88:25 89:3,11 started 10:14 80:19 88:23 89:9,9 starting 24:6 88:24 starts 84:7 state 1:4 2:3 5:11,22 8:1 9:24 10:3,8 11:11 15:14 43:9 50:6 61:7 73:4 91:2 98:20 stated 15:21 17:18 statement 6:17 6:21,25 7:11 23:19 31:24 37:9 42:18 43:2,4,14 82:9 89:16 97:16 statements 88:15 states 23:21
schedules 15:10 30:1	separately 72:9 94:18	set 7:8 13:11 22:12 78:15,19	sir 91:2 92:22 93:12,16,21 94:1,6 97:4	speculative 85:23
second 3:7 21:21 25:25 28:23 77:16 83:9 98:16	September 32:18 62:1 77:6,9,10 78:12 87:10 88:11,17	shorter 40:18 shortly 76:19 show 33:3,6 68:18 69:4,7 70:22 96:3	similar 15:12,13 simple 60:23 simultaneous 98:16,22,23 99:2	speculation 37:25 47:8,11 85:22
section 25:15,18 25:21 28:6 29:5 30:1 38:4 38:12,14 46:9 46:10 51:12 70:24	sergeant 59:1,5 serve 62:11,22 63:20 64:12,17 66:11 70:19 71:7 81:12 91:21 92:23	showed 53:4 93:19 showing 52:25 85:4 89:24 shown 86:21,24 shows 35:16 72:4,6,7 86:3	situation 33:20 49:22 72:25 74:10,13 six 38:25 50:3,13 50:15 81:6,21 92:10 six-page 35:1,3 slash 14:13 15:14 slightly 77:12 slow 55:14 small 26:12 smoothly 68:2 sole 53:11 90:15 solely 20:8 53:11 somebody 26:8 27:5 29:24 58:23 74:12 83:1 soon 32:14 60:18 sorry 30:15 40:16 41:7 42:12,24 83:25 87:20 sounds 81:10 speak 31:21 34:4 speaks 15:3 54:24 specialist 8:22 8:24 9:1 22:2 specialists 11:6 specific 34:8 35:11 specifically	stand 98:5 standard 36:19 37:8 59:10 79:6 start 11:17 62:23 83:1 88:25 89:3,11 started 10:14 80:19 88:23 89:9,9 starting 24:6 88:24 starts 84:7 state 1:4 2:3 5:11,22 8:1 9:24 10:3,8 11:11 15:14 43:9 50:6 61:7 73:4 91:2 98:20 stated 15:21 17:18 statement 6:17 6:21,25 7:11 23:19 31:24 37:9 42:18 43:2,4,14 82:9 89:16 97:16 statements 88:15 states 23:21
sections 25:14 50:20	service 7:12 9:18 20:2,12 26:5 32:16,16,17 54:6 55:6,20 57:10 77:21 79:14 81:5,21 85:4,7,10,13 85:14 86:4	sign 22:5 signed 21:19,25 22:3 significance 53:21 Silver 3:6,7,7 5:19,19,19,19 6:10,20,22 7:13,16 15:3 18:15 22:17,20 27:17 28:16,18 30:24 31:3 34:17,19,20 35:24 36:23 37:20 38:2,8 38:11,13 40:14 40:16,19 42:9 49:25 50:12,18 50:23 57:19 58:8,14,17,22 59:19 60:4,10 60:13,15,18,21 60:25 61:6,18 67:4 79:21 83:21 84:24 85:16,23 86:14 87:15,19,24 90:7,12,20,24	slightly 77:12 slow 55:14 small 26:12 smoothly 68:2 sole 53:11 90:15 solely 20:8 53:11 somebody 26:8 27:5 29:24 58:23 74:12 83:1 soon 32:14 60:18 sorry 30:15 40:16 41:7 42:12,24 83:25 87:20 sounds 81:10 speak 31:21 34:4 speaks 15:3 54:24 specialist 8:22 8:24 9:1 22:2 specialists 11:6 specific 34:8 35:11 specifically	staff 3:2 21:23 22:4 55:13 68:3,3 stand 98:5 standard 36:19 37:8 59:10 79:6 start 11:17 62:23 83:1 88:25 89:3,11 started 10:14 80:19 88:23 89:9,9 starting 24:6 88:24 starts 84:7 state 1:4 2:3 5:11,22 8:1 9:24 10:3,8 11:11 15:14 43:9 50:6 61:7 73:4 91:2 98:20 stated 15:21 17:18 statement 6:17 6:21,25 7:11 23:19 31:24 37:9 42:18 43:2,4,14 82:9 89:16 97:16 statements 88:15 states 23:21
see 24:24 30:22 31:8 38:11 41:8 45:5 49:14 50:7,9 50:13 51:18 53:19 54:11,11 56:11 57:17 58:5 59:11,16	services 21:23 22:4 29:6,23 33:7,9 34:14 serving 17:12 59:4 66:1 74:8 session 64:24	set 7:8 13:11 22:12 78:15,19	slightly 77:12 slow 55:14 small 26:12 smoothly 68:2 sole 53:11 90:15 solely 20:8 53:11 somebody 26:8 27:5 29:24 58:23 74:12 83:1 soon 32:14 60:18 sorry 30:15 40:16 41:7 42:12,24 83:25 87:20 sounds 81:10 speak 31:21 34:4 speaks 15:3 54:24 specialist 8:22 8:24 9:1 22:2 specialists 11:6 specific 34:8 35:11 specifically	speculative 85:23 spell 8:1 61:7 91:2 spend 68:9 spent 68:11 spike 52:19 spoke 88:8 staff 3:2 21:23 22:4 55:13 68:3,3 stand 98:5 standard 36:19 37:8 59:10 79:6 start 11:17 62:23 83:1 88:25 89:3,11 started 10:14 80:19 88:23 89:9,9 starting 24:6 88:24 starts 84:7 state 1:4 2:3 5:11,22 8:1 9:24 10:3,8 11:11 15:14 43:9 50:6 61:7 73:4 91:2 98:20 stated 15:21 17:18 statement 6:17 6:21,25 7:11 23:19 31:24 37:9 42:18 43:2,4,14 82:9 89:16 97:16 statements 88:15 states 23:21

<p>35:22 53:6 statute 19:12 statutes 90:19 stay 77:8,9 88:11 stayed 85:19 Staying 77:12 step 10:22,22 14:8 Stephen 3:6 5:19 stipend 15:15 stipulate 58:8,11 58:13,13 stipulation 58:15 STREET 3:3,7 strike 28:16 82:14 strong 43:24 structure 21:1 submit 97:20 submitted 41:12 subsequent 27:12 subsequently 78:22 substance 89:16 sufficient 37:7 87:22 suggest 7:1 suggesting 54:5 Suite 2:19 sum 23:24 53:6 89:15 summer 63:1 84:22 supervisor 90:3 supervisors 27:7 supervisory 68:6 support 54:9 supported 64:20 suppose 46:25 sure 14:6 18:16 18:22 23:5 26:22 27:23 29:8 32:15 37:7 43:11 60:10,20 77:16</p>	<p>88:25 suspect 19:20 sustain 37:19 48:4 Sustained 38:1 45:18 48:11 sworn 8:6 61:13 91:7 system 1:3 2:2 5:9,15 8:18 13:19 26:5 34:9 52:10 56:9,9,10,11</p> <hr/> <p style="text-align: center;">T</p> <p>T 4:13 T-H-O-M-A-S 91:4 table 89:24 take 14:17 18:20 19:2 30:16,17 37:15 43:15 56:9 59:23 65:3 67:1 70:7 81:2 83:17 87:25,25 90:18 taken 2:18 40:7 55:18 65:14 79:4 87:5 talk 22:21 26:23 27:10,13,16 55:21 77:15 82:22 83:3,5 talked 24:16 27:5,15,18,22 40:23 89:20,21 talking 24:22 27:4 38:6,7,8 42:21 74:11 90:14 technically 84:17 technician 27:8 technicians 27:7 tell 10:18 15:2 27:25 47:2 57:11 68:19</p>	<p>69:13 73:11 76:18 90:16 telling 33:22 35:17,25 tells 15:6 temporarily 59:4 temporary 19:10,13,23 20:4 23:10,14 23:14,15 42:20 43:2 53:23 58:19 59:6,15 ten 81:9 tenure 32:3 66:5 74:17 term 11:4 68:3 80:9 81:20 92:5,7 terminating 63:7 terms 63:21,25 81:11,15 96:5 test 45:23 testified 8:7 24:9 61:14 88:10 91:8 94:19 96:7 testimony 81:10 93:10,13 97:10 Thank 5:13 8:10 22:15,17 34:19 42:11,13 58:16 59:22 67:3 80:1 87:22 90:11 97:4 thereof 71:10 thereto 71:9 thing 47:1 66:18 things 36:17 64:4 think 6:9 18:10 23:20 35:1 40:14 41:14,15 44:2,15 47:10 50:10 57:9 66:15 69:6</p>	<p>87:22 88:10 92:9,10 95:4 96:6 98:11,23 99:1 thinking 55:20 57:21 58:11 third 30:25 Thomas 4:10 91:1,4,6 thought 44:20 60:13 74:12 75:17 81:5 96:24 98:12 three 8:25 11:21 31:18 87:2 time 7:5 10:24 11:1 15:8 16:2 17:4,15 20:10 21:21,23 23:8 23:18 26:9 27:21,23,24,25 32:19 33:13,18 33:21,22 34:22 35:14 37:3 38:23 40:6,18 43:10 52:6,25 57:16 59:21 62:12,14 63:4 64:15,16 66:4 66:17 67:25 68:9,11 73:5 73:14 74:22 75:10,18,24 76:1,20,22 77:3 78:6,12 78:12,17 79:24 81:2,9,21 82:6 83:16 85:3 86:14,20 88:17 90:12 91:24 92:17,23,24,25 93:14 94:13 95:16 timely 29:11 times 12:8 91:23 91:23 title 8:21,24</p>	<p>13:25 15:22,23 15:25 23:22 48:16 52:16 53:22 today 5:16 13:2 50:5 told 48:24 55:3 64:6 86:18 Tomi 21:19,21 top 19:10 47:22 48:20 53:2 tortuous 84:18 total 66:15 70:8 70:14 94:7,20 96:3 totally 89:25 touch 56:13 training 10:16 10:18,19,24 transaction 91:25 TRANSCRIPT 1:17 2:18 transferred 56:3 treasurer 14:13 15:15 16:1 17:17,19,21 20:8,11 53:2 53:11 84:11 trigger 52:18 triggers 13:12 true 32:24 33:9 38:14 39:8 try 66:8 trying 33:21 57:25 58:4,14 69:5 74:11 turn 16:8 19:9 21:13 42:16 83:7 turned 84:22 two 6:6 18:21 26:2,2,8,15 34:22 42:4 67:20,24 70:7 70:10,14,23 80:16 85:6</p>
--	---	--	---	---

94:10,19 95:16 type 9:21 15:13 typical 30:13 typically 14:4,7 21:24 51:2 54:10,13 59:10 59:16	37:22 79:3 86:19,22 usually 11:11 56:2 utilize 78:18	54:22 55:11 60:16,19,22 64:7 73:2 81:16 82:1,21 82:22 83:3 85:19 86:2 87:19 94:25 98:25	8:2,6,8 15:6 27:13 28:12 35:22 40:17 42:24 48:20 49:16,18 50:25 51:18 58:1 61:9,13,15 66:25 67:2 87:10 88:7,12 88:14,18,21,24 89:3,11,18,21 90:24 91:4,7,9 95:13 96:13 97:4,5	97:19,24 98:10 wrong 30:15 wrote 16:1,1 49:4
<hr/> U <hr/>	<hr/> V <hr/>	<hr/> W <hr/>	<hr/> X <hr/>	<hr/> Y <hr/>
ultimate 16:18 uncertainty 96:6 underpaid 41:14 95:8 understand 83:11 99:1 understanding 6:4 36:25 66:19 75:2 77:15,17,25 81:5 understands 77:16 understood 73:12 83:13,14 ungraded 43:17 Unidentified 4:17,22 unique 31:23 unit 9:6,7,8,20 10:7,10,15 11:7 13:14 22:1 41:3,12 48:22 55:13 56:3,4 unnecessary 58:12 unusual 95:18 upgrade 19:11 19:13,23 20:4 23:11,14,15 42:20 43:2 58:19 59:15 upgraded 24:14 54:12 59:6 use 16:17,17 20:13,13 33:5 33:23 36:12	vacant 58:24 vague 45:16 various 7:12 36:3 91:24 vendor 82:13,20 voluntarily 44:23 voluntary 44:20 44:22 volunteers 43:23 44:2	wanted 34:3 50:15 64:11,12 66:17 69:25 76:25 wasn't 28:14 51:7 57:20 58:10 74:13 81:21 96:14 way 46:13 51:19 53:17 58:3,4 58:15 59:11 65:19 83:13 98:5,19 we'll 97:22 98:19 we've 41:2 98:9 wearing 80:16 Wednesday 1:19 2:20 5:1 89:14 week 11:24 12:2 12:4,7 22:24 23:1 week's 43:3 weekend 46:23 went 13:18,18 17:7 52:10 68:22 80:15,23 weren't 57:7 92:12 West 17:7 62:19 62:22 whatsoever 95:10 willing 23:21 44:7 63:20 64:11 wins 7:1 wise 98:11 witness 4:3 7:3	witnesses 93:10 word 24:6 25:4 43:24 words 43:22 48:6 73:1 74:10 wore 84:12 work 11:15 17:3 17:6 20:8,10 29:22 43:17 48:22 62:20 66:9 67:21 86:12,23 worked 9:6 29:22 62:14 66:5 68:4 79:8 80:7 working 14:15 16:5,5 27:25 28:3 53:10 57:12 58:24 works 56:12 worry 85:1 wouldn't 40:1 44:15 46:17 98:25 write 21:11 51:2 51:19 writing 43:10 97:20 written 22:24 23:8 35:4 38:19 46:13	Yeah 69:6 89:15 year 11:22 15:14 17:4 40:6 45:6 45:8,9,11 46:24 52:5 66:11 67:15,17 81:22 82:2 85:7 92:8 96:17 years 8:20,25 9:5 10:20 11:21 38:25 50:3,3,14,15 57:20 62:21 68:1 77:20,25 79:8,14 81:9 85:4,13 86:12 86:23 87:2 91:20 Yep 47:21
			<hr/> Z <hr/>	<hr/> 0 <hr/>
			Z-I-M-M-E-R... 8:3 Zimmerman 4:4 5:16 7:24 8:2,5 17:23 19:2 22:15,21 35:7 52:3 54:16 58:16	<hr/> 1 <hr/>
			1 7:7,22 25:22 26:6 38:11 61:1,3 72:21 84:21 1-7 4:16	

1/13/10 4:21	35:19 42:17	25:15,18 28:6	63 84:22
10 16:9,11,14,18	54:17 55:1	28:23	655 2:18
16:24 23:21	83:7	20636-B-1 46:10	<hr/>
24:23 53:5,16	2.23 70:24	20636.1B-1	7
53:17 60:3,5,9	20 12:2,4 48:21	46:10	74:16 7:7,22
60:12,14,21	200 3:7	21201 3:11	65:13
68:19 94:11	2000 13:17	22 4:4	7522.4A 46:11
10,000 94:21	27:19	244,000 46:24	<hr/>
10th 90:17	2005 13:17	25 94:11	8
11 62:21 65:4	14:23 17:11,15	25-year 29:18,21	8 4:4 14:19,21
11-page 69:7	27:19 31:13	250 15:15	15:1 60:2,4,8
11/30/05 4:23	34:7 57:21	26 65:8	60:10,10,12,14
11:50 99:6	63:1,1,6 64:8	27 22:23 42:16	60:21 71:13
12 24:25 30:14	65:8 68:23	43:3	8-14 4:17
30:18,22 60:11	69:11,16 71:14	2nd 71:14	80 4:8
60:13,15,19,21	73:5 81:9,15	<hr/>	800 55:22
69:20	92:2,21	3	888 55:16,22
12-month 34:2	2005-2006 17:4	3 19:9 24:5,8	<hr/>
13 33:8	23:18 50:7	36:1 42:19,20	9
14 32:18 77:11	52:6,25 57:15	50:7	9 15:12 16:24
1400 2:19	58:9 82:6 83:2	30 68:23 91:20	60:2,5,8,10,10
1428 3:7	84:5,12 86:19	30th 69:11,15	60:12,14,21
14th 62:1	93:24 94:3	3229OAH 1:25	9:00 2:20 5:2
15 4:18 12:2,4	96:17	3340 3:3	90401 3:8
18:11,13 19:3	2006 13:18	35.7 85:4	91 4:10
19:9,21 38:6	17:11,16 27:20	<hr/>	91789 3:12
49:9 60:3,4,5,6	31:13 34:7	4	93 4:10
60:7,8,10,11	73:5 92:3,21	4 21:13,16,25	95 80:17
60:12,14 61:1	2010 33:8 34:11	22:12 24:5,8	95811 3:4
61:3 64:3	75:6	25:22 36:6	97 4:21,22,23,24
94:10	2011 38:22	38:9,10 45:20	
15,000 94:21	90:17,17	87:16	
15th 77:8	2012 38:22,22	400 3:3	
18 4:18 32:16	2013 32:16,18	<hr/>	
92:10	35:5 57:24	5	
18th 35:5	62:1 76:6,14	5 1:19 2:20 5:1	
1988 30:20 40:2	77:8 84:21,22	5,000 46:23	
40:21 41:20	2014 1:19 2:20	52 4:4	
62:10	5:1 22:23 23:9	570.5 38:4,12,15	
1994 26:6	42:17 43:3	46:7 49:11	
1995 63:24 80:7	72:21 74:3	89:24 90:14	
80:13,19 81:3	2014-0681 1:8	58 4:4	
19th 87:11	2:7	<hr/>	
1st 30:20 75:4	2014070904 1:9	6	
<hr/>	2:8	6 69:20	
2	203 25:21	61 4:8,17,18	
2 14:23 21:23	20635 20:18	84:25	