

ATTACHMENT C

**RESPONDENT'S ARGUMENT REGARDING THE
PETITION FOR RECONSIDERATION**

1 CYNTHIA A. JAMISON, IN PRO PER

2 Phone Number
3 Home Telephone:



5 CYNTHIA A. JAMISON, Respondent In Pro Per

8 BOARD OF ADMINISTRATION
9 CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

10 In the Matter of the Cancellation
11 of the Application for Disability
12 Retirement of

12 CYNTHIA A. JAMISON,

13 Respondent,

14 and

15 DEPARTMENT OF HEALTH CARE SERVICES
16 (ALCOHOL AND DRUG PROGRAMS),

17 Respondent

) Case No.: 2015-0079
) OAH NO. 2015051085
) RESPONDENT'S ARGUMENT
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19 I respectfully request a reconsideration in this matter based on the following: Factual Findings of the
20 Proposed Decision contains an error on page 2 in the last paragraph, third line, listing the arrest time as 4:33
21 a.m. The correct time should have been listed as 6/8/2009 at approximately 2345 Hours, (11:45 p.m.), as that
22 his the actual time that I was taken into custody and legally under arrest. 4:33 a.m. is the time that I was placed
23 in the care and custody of the Los Angeles County Jail. This matter is relevant because I had been having
24 dinner with a friend immediately prior to being pulled over and taken into custody by CHP.
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26 Factual Findings on page 3, first paragraph, where it reads, "Respondent told the rental company that
27 the rental vehicle was lost and she believed it to be stolen." The fact of the matter is that the CHP officer who
28 arrested me did not have the courtesy to tell me what he was going to do with the vehicle so I had no idea what

1 happened to it. Further on in this same paragraph the factual findings claim, it states that I "traveled to Los
2 Angeles on June 16, and 22, and November 10, 2009, for reasons related to her DUI arrest. She submitted time
3 reports showing that she worked on these days." The fact is that I did actually work very long days in addition to
4 going to court while I was in Los Angeles. In fact, I submitted completed reports to my supervisor for three
5 different facilities that I did investigations at during those dates I was in Los Angeles. The programs for which I
6 completed site visits, investigations and final reports were Yellowstone Women's First Step House, Safe Harbor
7 Treatment Center and Cornerstone. I was not simply in Los Angeles for DUI business, that was secondary. I
8 flew to Los Angeles to work and I did work very hard. The NOAA portrayed me in the most negative light
9 possible without giving any consideration for all of the hard work and positive things I did while working at ADP. I
10 was not out to take advantage of or profit from anything related to the DUI. I worked very hard behind the
11 scenes to make up for the time lost that weekend. I loved my job and I would have done anything to make things
12 right with ADP. Additionally, I was the sole source of support for myself and my two children and we received no
13 child support. I was extremely worried about what would happen to my children if I lost my job. I was desperate.

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17 There is indication on the Proposed Decision from the hearing with Judge Brandt that I was not
18 dismissed for the DUI, but for being dishonest. No where within the NOAA does it indicate that I was dismissed
19 primarily for dishonesty. In fact, in the STATEMENT OF ACTS OR OMISSIONS, A. the NOAA indicates that the
20 number one reason for dismissal is the DUI. I respectfully request that the entries in the Proposed Decision be
21 changed to reflect this fact and I offer a copy of the NOAA as evidence. As a side note, I find it very odd that an
22 agency such as the Department of Alcohol and Drug Programs would not offer some type of help such as a
23 referral or even a suggestion to an employee who has suffered experiencing a DUI.

24 25 STIPULATED SETTLEMENT

26 While it is true that I entered into a stipulated settlement with ADP, ADP failed to keep their portion of the
27 settlement and still has not fulfilled their portion of the settlement to this day. While I agreed to never seek
28

1 employment with ADP again, the settlement would have allowed me to seek employment with another state
2 agency had ADP completed their portion of the settlement agreement. During the hearing with Judge Brandt, I
3 questioned the DHCS human resources officer about the process(es) used when a stipulation settlement is
4 reached and DHCS has a responsibility to contact the State Controller's Office and provide the necessary
5 documents so that my record would reflect that I resigned instead of being terminated for cause. The DHCS
6 stated that there is such a process in effect currently and an additional "safety net" so that matters of great
7 importance such as these do not get overlooked or forgotten, but she could not speak for the processes that
8 were in place prior to her going to work for DHCS. I am offering as evidence, a letter I received from Mr. Silva,
9 Jr. which states that this matter was never taken care of in my behalf.
10

11
12 If I had not kept up my portion of the stipulation settlement, there would have been repercussions and
13 consequences for me. It should not be any different for ADP for failing to keep their portion of the stipulation
14 settlement. Therefore, I am requesting that ADP be required to complete their portion of the stipulation
15 settlement and they should be required to answer to the board and to me about why they failed to keep their
16 portion of the stipulation settlement. I ask that they be held accountable for making sure that all negative related
17 documentation from my personnel file.
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19 The Haywood case holds that a CALPERS member is ineligible for disability retirement if the member
20 was terminated from employment for reasons that are not related to a disabling condition, and the termination
21 does not preempt an otherwise valid claim for disability retirement. The following information and evidence will
22 be presented in chronological order, from the oldest to the newest and will be a depiction of why I believe my
23 termination from ADP preempted an otherwise valid claim for disability retirement. This portion of my response
24 will include new information which was not previously available to me due to a house fire at my residence on
25 12-31-2010.
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NEW INFORMATION

There were additional circumstances which preceded my dismissal just prior to the dismissal that were never included at the hearing with Judge Brandt. The first problems begin around October, 2009, when I began to be treated unfairly and unequally by management at ADP. Specifically, Daniel Steinhart, who was the Chief of the Licensing and Certification Division at ADP at that time, and Kelley A. Farrell, Staff Counsel 1, Office of Legal Services at ADP at that time, engaged in improper conduct and unfair treatment towards me. I had conducted a very lengthy, in-depth, counselor misconduct investigation in Santa Barbara. The allegations were that this counselor was having multiple inappropriate, sexual relationships with clients within the facility that he worked at and within the Santa Barbara recovery community. Due to the nature of the charges involved, it was a difficult investigation and coupled with the fact that every witness that stepped forward to speak with me about the matter was threatened, the investigation quickly escalated to the point where I needed to take some of my questions to our legal services department so that no mistakes were made. I finally had enough documentation and witnesses to substantiate the misconduct and begin proceedings to revoke the counselor's license. On 10/22/09, I completed my report, discussed it with my supervisors, signed it and forwarded it on through the chain of command for processing. Both of my supervisors signed off on the packet and forwarded it on. On 10/23/09, I received a phone call to come up to legal services to speak with Kelley Farrell. Once there, I was told that I needed to change the finding to "Non-Substantiated". There was no clear direction about why this needed to be done and no evidence to the contrary of the finding of "Substantiated.. Since this had been my investigation and I had to sign my name to it as my own, I could not, in good conscience change my report to reflect something that was not true. By doing this, I would be letting a sexual predator continue to victimize clients and others in the recovery community. I changed the finding to "Not Substantiated" but left the report essentially intact, including the details from the investigation which indicated that I felt the complaint was in fact substantiated and included my recommendation that the counselor's license should be revoked.

1 On January 27, 2010, I received a "CORRECTIVE MEMORANDUM" from Daniel Steinhart,
2 admonishing me for not changing my report to what management wanted it to say and telling me that my
3 conduct was unacceptable and would not be tolerated. I was directed to change the report and the findings to
4 "Not Substantiated. The memo directed me to contact the Employee Assistance Program (EAP) if there were
5 personal problems that were affecting my work. So, what I understood from this was, if I refused to falsify the
6 report, I was going to be subject to adverse action.
7

8 At this point I filed an Employee Contract Grievance and a complaint with the California State Auditor
9 under Section 8547 of the California Government Code, the California Whistleblower Protection Act.. I would
10 later file a Worker's Compensation Claim, but I failed to follow through with it because I was so emotionally
11 drained from everything that was going on. It is my understanding, through information given to me from my
12 former supervisor, Kathryn Frost, that Daniel Steinhart was dismissed from his position shortly after I filed the
13 complaint. The state auditors dept. advised me that they were not able to act as an advocate for me in my
14 dispute and by law they had to conduct their investigation confidentially and would not be able to keep me
15 informed about the progress or results of their investigation. It is Case Number W20090507.
16
17

18 On or about December 16, 2009, my manager, Joy Jarfors, called me into her office and advised me
19 that I was "collateral damage" being used to get herself, (Joy) and my immediate supervisor, Kathryn Frost,
20 demoted and removed from their current positions as supervisors. I know there were law suits filed on behalf of
21 Mrs. Frost and she and Ms. Jarfors quickly retired. Mrs. Frost told me that Mr. Steinhart was removed from his
22 position and dismissed. What Ms. Jarfors was telling me was that I was going to be dismissed from my position
23 as collateral damage with the demotions of herself and Mrs. Frost.
24

25 It is my understanding that I was terminated as a result of matters that were out of my control and not
26 related to me directly in addition to the DUI and surrounding circumstances, dishonesty and "collateral damage"
27 as related to me by my former supervisors, Joy Jarfors, Kathryn Frost and Daniel Steinhart.
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DATED:

CYNTHIAA. JAMISON

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

1700 K STREET
SACRAMENTO, CA 95811
TDD (916) 445-1942



NOTICE OF ADVERSE ACTION

Name: Cynthia A. Jamison
Social Security Number: .
Classification: Associate Governmental Program Analyst (AGPA)
Work Address: 1700 K Street
Sacramento, CA 95811
Home Address: 905 Nogales Street
Sacramento, CA 95838

I

NATURE OF ACTION

- You are hereby dismissed from State Service in your position as an Associate Governmental Program Analyst in the Licensing and Certification Division (LCD), Program Compliance Branch at the Department of Alcohol and Drug Programs (ADP).

II

EFFECTIVE DATE

This dismissal shall be effective at the close of business on February 23, 2010.

III

STATEMENT OF CAUSES

This action is being taken against you for causes set forth in the following subsections of Government Code Section 19572:

- (c) Inefficiency
- (d) Inexcusable neglect of duty
- (f) Dishonesty
- (p) Misuse of State property



DO YOUR PART TO HELP CALIFORNIA SAVE ENERGY
For energy saving tips, visit the Flex Your Power website at
<http://www.flexyourpower.ca.gov>

arrest on June 9, 2009, this vehicle was towed and impounded by Sonic Towing, Inc. at a total cost to the State of \$685.00.

2. Subsequent to your arrest on June 9, 2009, you told Enterprise Rent-A-Car that the 2009 Kia Spectra that you rented from them at State expense was lost while attending a business dinner and you believed the vehicle to be stolen.
 3. On your Time Report for June 2009, you claimed that you worked nine (9) hours per day on June 9 and June 10, 2009, when in fact you were incarcerated in the Los Angeles County Jail during working hours.
 4. On your Travel Expense Claim for June 9, 2009, you claimed \$123.20 for lodging, \$6.00 for breakfast, \$10.00 for lunch, \$18.00 for dinner \$6.00 for incidentals and \$5.25 for carfare, tolls or parking, for a total of \$168. 45; however you were incarcerated on this date.
 5. On your Travel Expense Claim for June 10, 2009, you claimed \$123.20 for lodging, \$6.00 for breakfast, \$10.00 for lunch, \$18.00 for dinner \$6.00 for incidentals and \$3.00 for carfare, tolls or parking, for a total of \$166.20; however you were incarcerated on this date.
 6. On your Travel Expense Claim for June 10, 2009, you claimed \$22.37 for gasoline; however you were incarcerated on this date. You also claimed that you lost the gasoline purchase receipt. As of June 9, 2009, your rental car had been towed and impounded due to your arrest for DUI.
- B. On or about June 15, 2009, you sent an e-mail to Enterprise Rent-A-Car In that e-mail you stated, "I rented a vehicle from you (sic) LAX location on 6/8/09 and left my purse, backpack and black sweater in the trunk of the rental car I contacted the LAX location right away, but they are saying that they can't find my stuff. I really need my purse back." However, on or about November 19, 2009, you sent a letter to Sonic Towing claiming that your purse, backpack and black sweater were left in the Enterprise rental car when it was towed by Sonic Towing on or about June 9, 2009.
- C. On or about June 16, 2009, at approximately 2:20 p.m., you sent an e-mail to numerous individuals indicating that you had made a special trip to Los Angeles on that date to make inquiries regarding your arrest of June 9, 2009.
- 1 Your calendar for June 16, 2009, indicates that you were in Los Angeles for Los Angeles complaints.
 2. On your Time Report for June 16, 2009, you claimed to have worked nine (9) hours.

- J. On or about July 8, 2009, at approximately 9:20 a.m., you sent an e-mail to Irene Vega setting forth your complaint against the CHP Officer who arrested you on June 9, 2009.
 - K. On or about July 22, 2009, at 1:43 p.m., you sent an e-mail to Greg Abreu asking Mr Abreu the length of the classes you must sign up for in order to obtain a restricted license from the Department of Motor Vehicles. You also wanted to verify that Abreu would appear for you at your August 10, 2009, hearing in Los Angeles.
 - L. On or about October 7 2009, at 3:50 p.m., you sent an e-mail to Andrew Leventhal indicating you would be in the Los Angeles area the next week for work. You asked Leventhal for a time and date during that week that you could call to discuss your case.
 - M. On or about October 8, 2009, at 8:45 a.m., you sent an e-mail to the "Purple Berets" seeking guidance regarding your allegations that the CHP Officer who arrested you on June 9, 2009, abused you and the conclusion of the subsequent CHP investigation that your allegations of abuse were unsubstantiated.
 - N. On or about October 11 2009, you received a response from the "Purple Berets" and on or about October 12, 2009, at 7:12 a.m., you sent another e-mail to the "Purple Berets" In this e-mail you indicated the steps your public defender had taken with regard to your complaint against the CHP Officer You also provided your work desk phone number and your work cell phone number
 - O. On or about October 15, 2009, at 10:23 a.m., you sent an e-mail to Andrew Leventhal indicating that you would make arrangements to appear with him in court on November 10, 2009.
 - P. On or about October 19, 2009, you sent an e-mail to your supervisor Kathryn Frost indicating that you needed to travel to Los Angeles on November 9 and 10, 2009, to conduct investigations relating to counselor misconduct and a death.
 - Q. On or about November 10, 2009, you appeared for your hearing at the Los Angeles County Superior Court. You were convicted of DUI of alcohol and your California driver's license was suspended. You were also placed on probation until November 9, 2012.
- 1 Your calendar for November 10, 2009, indicates that you were conducting an investigation relating to counselor misconduct and a death.
 2. On your Time Report for November 10, 2009, you claimed you worked eight (8) hours and that you worked three and a half (3.5) overtime hours.

Name of Skelly Officer
Gigi Smith, CEA
C/O Human Resources Branch
1700 K Street, 3rd Floor
Sacramento, CA 95811
(916) 327-6916

You are entitled to a reasonable amount of State time to prepare your response to the charges. You are not entitled to a formal hearing with examination of witnesses at this stage of the proceedings. However another may represent you in presenting your response. The appointing power may sustain, amend, modify, or revoke the adverse action in whole or in part.

2. Right to Appeal to the State Personnel Board:

Regardless of whether you respond to these charges to the appointing power, you are advised that you have the right to file a written answer to this notice with the State Personnel Board, 801 Capitol Mall, Sacramento, California 95811 not later than thirty (30) calendar days after the effective date of this action. An answer shall be deemed to be a request for hearing or investigation as provided in Section 19575 of the Government Code. If you answer as provided, the Board or its authorized representative shall, within a reasonable time, hold a hearing and shall notify the parties of the time and place thereof. If you fail to answer within the time specified, the adverse action taken by the appointing power shall become final.

You are responsible for notifying the State Personnel Board and your appointing power of any changes in your address that occur after the effective date of this adverse action.

3. Right to Inspect Documents

Copies of any documents or other materials giving rise to this adverse action are attached for your inspection. This documentation is not being provided to the State Personnel Board in advance of any appeal hearing which may be scheduled.

Dated: _____

2-10-10

Ausan L. Jussier for M. Cunningham
Michael S. Cunningham
Chief Deputy Director

Enclosures: List of Supporting Materials

23. Jamison/Dawn Darling E-mails re: Old Bath Street Inn 8/26/09
24. Bath Street Reservation Confirmation 8/26/09
25. Darling/Jamison E-mails re: Bath Street Inn 8/26-27/09
26. Darling/Jamison E-mails re: Daily Word 8/27/09
27. Jamison/Kathryn Frost E-mails re: Excess Lodging/Baggage Fees 8/27/09
28. Jamison/Frost E-mails re: Airport parking 8/27/09
29. Super Shuttle Confirmation 9/1/09
30. Jamison/Frost E-mail re: teleworking 9/8/09
31. Sacramento Travel 9/29-10/1/09 Itinerary 9/16/09
32. Jamison/Frost E-mails re: Travel on 10/13-26/09 9/21/09
33. Sacramento Travel e-mail re: 10/13-16/09 Itinerary 9/21/09
34. CHP Investigation Results Letter 10/5/09
35. Jamison/Andrew Leventhal E-mails re: Court Appearance 10/7/09
36. Jamison/Leventhal E-mails re: Meeting; DUI School 10/7-8/09
37. Jamison/Purple Berets E-mail re: Complaint Against CHP Officer 10/8-12/09/09
38. Jamison E-mail re: 11/10/09 Court Appearance 10/15/09
39. Jamison E-mail Travel Request for 11/9-10/09 for Investigation 10/19/09
40. Sacramento Travel Itinerary for 11/9-10/09
41. Duty Statement signed by Cindy Jamison on September 24, 2007
42. Classification Specification for an Associate Governmental Program Analyst
43. Employee History Summary – Cynthia A. Jamison
44. Corrective memorandum to you signed by Kathryn frost dated January 2, 2008
with rebuttal from you dated January 18, 2008
45. Corrective memorandum to you signed by Daniel Steinhart dated January 27
2010

Exhibit A

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL CHP 556

PAGE

NUMBER

DATE OF INCIDENT/OCCURRENCE 06-09-09	TIME (2400) 0000	NCIC NUMBER 9590	OFFICER I.D. NUMBER 16611	F2009-01603-590	
*X ONE <input checked="" type="checkbox"/> NARRATIVE <input type="checkbox"/> SUPPLEMENTAL	*X ONE <input type="checkbox"/> COLLISION REPORT <input checked="" type="checkbox"/> OTHER: CHP 202	TYPE SUPPLEMENTAL (*X APPLICABLE) <input type="checkbox"/> BA UPDATE <input type="checkbox"/> HAZARDOUS MATERIALS			<input type="checkbox"/> FATAL <input type="checkbox"/> SCHOOL BUS <input type="checkbox"/> HIT AND RUN UPDATE <input type="checkbox"/> OTHER
CITY/COUNTY/JUDICIAL DISTRICT: Los Angeles				CITATION 36153 LB	
LOCATION/SUBJECT: Jamison, Cynthia A.				STATE HIGHWAY RELATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

FIRST OBSERVATIONS:

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On 06-08-09, at approximately 2345 hours, I was stopped for a red-phased traffic signal on eastbound 9th St. at the intersection of San Pedro St. I observed the s/v traveling southbound on San Pedro St. and negotiate a left turn onto eastbound 9th St. At this time, I observed the s/v drift into the # 2 lane of eastbound traffic almost striking a white sedan. I then activated the p/v's forward facing red light and flashing blue light and proceeded through the intersection. The s/v then made a quick left turn onto northbound Crocker St. and yielded to the right curb.

OBSERVATIONS AFTER STOP:

Upon contacting the driver through an open driver's side window, I smelled the odor of an alcoholic beverage emitting from the vehicle and noticed the driver's eyes were red and watery. I instructed the driver to exit the s/v and walk towards my patrol vehicle. At this time, I noticed she had an unsteady gait as she was staggering from side to side. The driver was identified by her California driver's license as Cynthia Jamison (N4356513). I asked Jamison if she had consumed any alcoholic beverages and she related to me that she had not consumed any alcohol. At this time, I smelled the odor of an alcoholic beverage emitting from her breath. I informed her of the odor and attempted to inquire further. She quickly recanted her previous statement and admitted to drinking a half a glass of white wine. I asked Jamison if she had consumed any drugs and she stated, "Yes." Jamison related she takes 11 different medications but was only able to remember some of them. She related she took Levsin (one pill), an anti-acid (Unknown), Levoxyl (one pill), Wellbutrin (one pill), Zoloft (one pill), and Alprazolam (one pill). When questioned in regards to the time these medications were taken or what other medication she takes, she was unable to provide me with any particulars. I asked Jamison if she had any medical problems and she related to me that she had two degenerative hips and needs two hip replacements. While speaking with Jamison, I noticed her speech was slow and slurred. I explained and demonstrated a series of field sobriety tests (FST's). Jamison was unable to perform the FST's as explained and demonstrated. Based upon the driving observations, her performance on the FST's, and the objective symptoms of intoxication, I determined that Jamison had been driving while under the influence. While assisting with a vehicle inventory, I located three yellow pills loose inside Jamison's purse that was located in the trunk of the s/v. The three pills were later identified as Acetaminophen/Hydrocodone (Generic for Vicodin).

PREPARER'S NAME AND I.D. NUMBER J. Leffert # 16611	DATE 06-09-09	REVIEWER'S NAME	DATE
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Exhibit "B"



801 Capitol Mall Sacramento, CA 95814 , www.spb.ca.gov



Governor Edmund G. Brown Jr

November 20, 2015

Cynthia A. Jamison

Re: Correspondence of November 6, 2015

Dear Ms. Jamison:

It was a pleasure to speak with you today. As we discussed, I have included a certified copy of the State Personnel Board's adopted Stipulation of Settlement in Case No. 10-0553.

Furthermore, in regards to your ability to return to work with the State of California, there are some administrative issues that need to be pursued.

1. Your employee history with the State Controller's Office reflects that you were dismissed from state service rather than a resignation. This should be cleared up with the appointing authority (your former employing agency/department) and the State Controller's Office (SCO).
2. If this cannot be accomplished thru the department and SCO. You may then need to contact the Department of Human Resources and petition for permission to participate in a Civil Service examination. Your petition should be directed to:

California Department of Human Resources
Personnel Management Division
1515 "S" Street, Suite 400
Sacramento, CA 95811

If you have any further concerns, please feel free to contact me directly at 916-853-1575.

Sincerely,


Richard E. Silva, Jr
Merit Appeals Manager

EMPLOYEE CONTRACT GRIEVANCE

STD. 630 (REV. 10-95)

BARGAINING UNIT NAME

BARGAINING UNIT NUMBER (Circle one)

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

Please refer to your bargaining unit's contract for specific information regarding employee grievance procedures and time frame requirements.

GRIEVANT'S NAME

Cynthia Jamison

HOME TELEPHONE NUMBER

()

HOME ADDRESS (Number and street)

(City)

(State)

(Zip Code)

DEPARTMENT

Alcohol & Drug Programs

DIVISION OR FACILITY

Licensing & Certification

SECTION, BRANCH, UNIT, ETC.

Program Compliance Division

POSITION CLASSIFICATION

AGPA

NORMAL WORKING HOURS

0630 1500

WORK TELEPHONE NUMBER

(916) 445-1956

REPRESENTATION INFORMATION (Complete if applicable)

REPRESENTATIVE'S NAME

ORGANIZATION OR AFFILIATION

TELEPHONE NUMBER

()

GRIEVANCE INFORMATION

DATE OF ACTION CAUSING GRIEVANCE

December 1, 2009

DATE OF INFORMAL DISCUSSION WITH IMMEDIATE SUPERVISOR

December 1, 2009

DATE OF INFORMAL RESPONSE

December 1, 2009

GRIEVANCE DESCRIPTION (Clear, concise statement. Attach additional sheets if necessary.)

ADP Deputy Director Daniel Steinhart continually discriminates against me and has created a hostile work environment for me at ADP. Mr. Steinhart ordered my supervisor, Joy Jarfors, to pull me out of the travel field until a "fact finding" expedition he initiated was completed. This fact finding expedition was initiated on or about October 23, 2009. I was questioned by ADP Human Resources regarding this fact finding expedition on October 26, 2009 and was advised by the examination panel that there were no disciplinary actions that would result from the fact finding mission. At no time was I ever advised that I was going to be subject to disciplinary action, such as being pulled out of my regular duties which require travel. Mr. Steinhart is using me as a pawn in his efforts to have Joy Jarfors and Kathryn Frost demoted from their positions. I have actually been told that I am "collateral damage" for Mr. Steinhart.

Mr. Steinhart has also discriminated against me by creating a roadblock for me when I requested a payroll advance on my paycheck on November 24, 2009. Mr. Steinhart waited for at least 24-hours before he replied to my emergency request for payroll advance. When Mr. Steinhart finally replied, he demanded documents and actions that I could not complete before he would sign my request for an emergency payroll advance. When I received Mr. Steinhart's email requesting the impossible, I felt so defeated and discriminated against that I courteously retracted my request so that no further adverse communication could come from Mr. Steinhart.

I have done nothing wrong. I completed Complaint Investigation 09-075C to the very best of my ability, going above and beyond my job duties in attempt to keep a sexual predator from continuing to be a counselor in one of ADP's licensed and certified facilities. Mr. Steinhart continues to discriminate against me by scrutinizing my work and attempting to cover up the fact that a sexual predator works in an ADP licensed facility. In fact, Mr. Steinhart forced me to cease and desist from completing the required documentation in order to stop this predator from working in the counseling field. The Certifying Organization for this predator is currently taking disciplinary action against this predator and revoking his counselling license. Mr. Steinhart is using his authority as a supervisory person to disrupt my job and discriminate against me.

SPECIFIC ARTICLE(S) AND SECTION(S) OF CONTRACT ALLEGEDLY VIOLATED

SPECIFIC REMEDY SOUGHT

Stop Daniel Steinhart from discriminating against me. Return me to my full duties as a complaint investigator. These duties include traveling. Mr. Steinhart has caused me much stress and heartache by setting up roadblocks to my right to request a payroll advance and stop my travel status. Mr. Steinhart needs to be stopped and needs to pay for the emotional injuries he has caused me as well as the hostile work environment that he has created as a result of his desire to have my supervisors demoted.

GRIEVANT'S SIGNATURE

DATE FILED



(For grievance level reviews I through IV, continue on reverse.)

Cindy prepared her counselor investigative report (CIR) regarding John Ortega, Counselor—well in advance of the 90-day due date.

She had Substantiated her findings of a sexually inappropriate relationship/contact by Mr. Ortega and one of his clients.

Because revocation was being recommended in light of the charges and findings, we (Cindy and I) determined that Legal Counsel must review the package before it was submitted for Joy's signature on the Order documents. Cindy took the package to Kelley and was told to rewrite the CIR and remove references to sexual... Cindy immediately revised the CIR to make the changes requested by Kelley Farrell.

Cindy and I did not agree with the suggested changes to the CIR. If I recall correctly, the rewrite then created a gap—how could we recommend revocation without substantiated the original allegations? The Order also had to be changed.

Cindy had also prepared a communications clearance form and had signed off on it on both the original and rewrite dates. I had signed off on the form the same days of her original and rewrite. With the requested changes made, Cindy made sure the package was routed to Joy for review and approval.

The package had been on Joy's desk for a day or so—at least that was what we thought based on the delivery we had made. But, on October 29, 2009, I came into the office at 7:25 a.m. and noticed that Joy's office door was open. The HVAC guy said that he had been working in Joy's office the night before until 8:30 p.m. but he had closed and locked her office door. He had not yet resumed his work on the reconfiguration of the heating and cooling system on the second floor. There was no reason he could think of for her door being open.

The only reason the 90 day timeframe wasn't met for the Ortega investigation is because the complete file was and remains in Kelley Farrell's possession. The complete PCB file has never been returned to Cindy or anyone else in PCB. Any copies of emails, notes, findings, etc. pertaining to this matter have had to be generated from electronic files maintained by Cindy and Kathryn.

Kathryn Frost, Supervisor
Counselor Certification Unit
Program Compliance Branch

December 2, 2009 2:22 p.m.

Complaint Number:

Ortega / Steinhart

I discovered that there is a sexual predator employed in one of California State Department of Alcohol & Drug Program's (ADP) licensed facilities and when I attempted to report this predator and get his certification revoked, one of my supervisors, Daniel Steinhart and ADP's attorney, Kelley Farrell took all the files and paperwork away from me and are currently attempting to cover this horrible matter up. I had at least one victim come forward through her counselor to report this man and this victim reported that there are many others. This sexual predator is using his status as a drug and alcohol counselor to victimize women and ADP Deputy Director, Daniel Steinhart and ADP Attorney Kelley Farrell are attempting to cover the entire thing up. Also, Mr. Steinhart has taken adverse action against me personally and has ordered that I be pulled out of my regularly assigned job duties, which include travelling, until his fact finding expedition is complete. I was ordered to testify and answer questions for this fact finding expedition on October 26, 2009 and at that time, I was told by the panel that there would be no disciplinary action taken against me. Mr. Steinhart has taken it upon himself to impose disciplinary actions without going through the proper channels and as retaliation against me. Mr. Steinhart is discriminating against me currently and I need someone to help me immediately. I am also going to file a grievance against Mr. Steinhart immediately.

I have copies of everything all my reports, my contact sheets from when I spoke with the victim, all emails sent to me by Mr. Steinhart ordering me to cease and desist with the sexual predator case, statements from the victim, victim's telephone number, her counselors name, email address, telephone number and emails from her; any and all evidence collected I have electronically stored. All of the paper files have been taken from me. This is the second time I have investigated this predator. Once over a year ago and once very recently. Mr. Steinhart took both of the files.

After my complaint investigation was complete and I substantiated the allegations, ADP's attorney, Kelley Farrell, ordered me to change the disposition to **NOT SUBSTANTIATED**. This matter escalated to my supervisors and they both stood behind my decision.

Mr. Daniel Steinhart is harassing me by ordering me to discontinue my job duties (traveling) until his fact finding expedition has been completed. This fact finding expedition began on or about October 23, 2009. On October 26, 2009, I was ordered to appear for questioning at Human Resources here at ADP and was told at that time that this was ONLY a fact finding mission and that there would be no punitive or disciplinary actions taken. However, Mr. Daniel Steinhart has taken it upon himself to impose disciplinary actions upon me without proper personnel processes. I am not being advised as to why I am not being allowed to travel. The only explanation I have been given is that it will be "until the fact finding expedition is complete." There has been no indication when that time will be. Mr. Steinhart has also imposed retaliatory actions against me when I put in a request for a payroll advance due to an extreme financial hardship, Mr. Steinhart purposefully put roadblocks in my way so that I was NOT granted the request for a \$250.00 payroll advance on my paycheck. I put the request in on November 24, 2009 with an emergency status placed on it. Mr. Steinhart elected to hold onto my request for 24 hours until the day before Thanksgiving, then he added additional tasks for me to do before he would even consider my request. The tasks were not anything that I could do. He wanted me to obtain written verification of the financial hardship which I needed the money for. I could not do that. My vehicle had been towed and impounded and I had no such paperwork and it would have taken days to obtain it from the company and police force that took my vehicle. Additionally, he wanted me to explain all other methods I had attempted in order to remedy my situation. There were no other remedies. I needed financial assistance immediately and the only method I had available was my paycheck. Everyone in my office was willing to help me get my payroll advance except Mr. Steinhart. I have copies of his emails and my Manager's emails as well. Mr. Steinhart is using me as a pawn in order to attempt to get my Manager I and Manager II demoted from their positions. He just recently did this to two other managers. He is harassing and discriminating against me.

I have his emails and I have the emails of all the people here at ADP who attempted to help me, but were forced into silence because Mr. Steinhart would not sign my request. The buck stopped with him.

Darien is on vacation until 1-4-10.

Two Grievances

1) **Unequal Treatment** – On January 14, 2010, Lorraine Espitallier (manager) responded to Cindy Jamison's reiteration of an email request for clarification on why ^{she} had been ordered to dramatically change – restrict – her work assignments. In the original email in this "string", dated 12/15/09, Ms. Espitallier had stated the following:

This is to follow up on the conversation you had with Kathryn Frost this morning. I would like to clarify that your work duties have been restricted to completing reports for investigations that are already complete. You should not be conducting any investigative activities.

Later (email dated 12/16/09), Ms. Espitallier stated only, "Your current work assignment is due to operational needs of the unit at this time." Unfortunately, Ms. Espitallier's response of 1/14/10 contained no further explanations whatsoever.

When Ms. Jamison was instructed to appear at a meeting with management on 1/29/10, she assumed that meeting would provide the explanation she sought on the basis for her restricted work assignment. At that meeting she was told that the meeting was *not* related to the recent work restrictions and that she had *already* been told why those restrictions are in place.

Ms. Jamison is not aware of the reason *her* work – and not the work of any other person she is aware of in her branch – has been restricted.

Ms. Jamison is the second most senior line staff member in her branch. She has received very positive evaluations, with many "outstanding" marks and no "unacceptable" and no "improvement needed" marks in the prior seven years. Nonetheless, without any explanation beyond "operational needs", she has been subject to substantial restrictions in her work.

Ms. Jamison has been told that she is not allowed to travel for her job, although her job description calls for 50% travel. She has been instructed to cease investigatory work, although her position is "complaint investigator" Ms. Jamison is one of __ investigators in her branch and __ investigators in her unit. As mentioned above, she is the second most senior line staff member in her branch (and in her unit). However, only *she* has been so restricted in her assignments.

2)

From: Pat Tompkins
Sent: Wednesday, January 13, 2010 5:47 PM
To: Darien De Lu
Subject: RE: 10/27 Fact Finding

Darien, I am in the process of getting a copy of the transcript from legal. I should have it Thursday morning. I will email you as soon as I have it and you can come and pick it up. I thought I had it electronically but I do not. Sorry for the delay.

From: Darien De Lu
Sent: Wednesday, January 13, 2010 12:17 PM
To: Pat Tompkins
Cc: Cindy Jamison
Subject: 10/27 Fact Finding

Pat,

This email is to confirm the phone message I just left. I believe it was Monday – the day before yesterday – when you responded to my prior phone inquiry requesting the recording of and transcript from the Fact Finding interview with Ms. Jamison on 10/27/09. Additionally, I requested the outcome report from that Fact Finding process, which – we were told during the Fact Finding interview – should have been completed no later than November 24, 2009.

When we talked on the phone, you indicated that you had a transcript and would provide that to me. You also explained that there were some technical difficulties with producing a copy of the recording, but you were working on that. Further, you said you would check with your management about the outcome report.

I have received no further communication from you. I would like the transcript today, and I would appreciate at least an update on the status of our other requests no later than C.O.B. today.

Thank you very much for your prompt attention to this matter; the current nebulous situation is a heavy burden for Ms. Jamison.

Darien De Lu
Office for Co-Occurring Disorders
<http://www.adp.ca.gov/COD/index.shtml>
Department of Alcohol and Drug Programs
916/327-7473

 Please consider the environment before printing this e-mail.

“Not to see our choices may be worse than making poor decisions. Be alive to the alternatives.”

“Not to choose beauty and harmony puts one squarely in the ranks of the mediocre and endows one with all the characteristics that word implies.... Beauty and harmony must surface in our relationships as well as in our architecture.” Max DePree, *Leadership Jazz*

Cindy Jamison

From: Darien De Lu
Sent: Tuesday, January 19, 2010 2:43 PM
To: Pat Tompkins
Subject: Again, RE: 10/27 Fact Finding

Pat,

No sign of a transcript today (Tues.), either, so I'm resending this message:

Thanks for your response. As you can certainly divine, I'm eager to see the transcript, and today is Thurs., and it's the afternoon! So, transcript? Please?

At the same time, I'm even more eager to see *the outcome report*. In my prior email, I said,

I requested the outcome report from that Fact Finding process, which – we were told during the Fact Finding interview – should have been completed no later than November 24, 2009.

and –

Further, you said you would check with your management about the outcome report.

But you did not respond to that part of my email. It is now well over 1 months from the date we were promised that this report would be available, presumably to us. *Please advise me on the status of that report and when/how we can get a copy of it.*

Thanks,

Darien De Lu

Office for Co-Occurring Disorders

<http://www.adp.ca.gov/COD/index.shtml>

Department of Alcohol and Drug Programs

916/327-7473

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“Not to see our choices may be worse than making poor decisions. Be alive to the alternatives.”

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JOHN ORTEGA, COUNSELOR

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KELLEY FARRELL'S EMAILS (From Cindy and Kathryn Email Files)

DANIEL STEINHART'S EMAILS

KATHRYN FROST'S STATEMENT

KATHRYN'S E-MAILS

- ❖ Tab A refers to Mr. Ahern Henry's statement to one of the Witnesses
- ❖ Tab B refers to Cindy's Email regarding one of the Witnesses Claims that Mr. Ortega's Friend (Mr. Henry) threatened her

12/3/09 Spoke w/ Jenny O. - she returned my call. Jenny declined the release of her last name & phone number, & does not want to be involved w/ any further investigation.

12/3/09 I called + left a message for Kay at Bureau of State Audits Investigative Div. 1-800-952-5665 and left her the info about Jenny. Jenny's former counselor, Kathleen Phalen stated she would help in anyway she could.

Cindy Jamison

From: Kathleen Phalen
Sent: Thursday, December 03, 2009 2:25 PM
To: Cindy Jamison
Subject: RE: I just spoke with Jenny

Hi Cindy,

I am so sorry that your efforts have been for nothing. You have worked very hard on this and I am sad for you. There are a lot of women who have been victimized by him, and you are right, he will continue to do this. I am curious why Project Recovery hasn't taken the steps necessary to fire him. I guess we will never know.

I will be happy to speak to whomever you need me to speak to. Do you have my phone number? My work number is 805-966-1260, and my cell phone number is

I am glad Jenny called you, I did not want to respond to your earlier email until I spoke to her. As you know, I am obligated to keep her confidentiality. I applaud all of her efforts to go as far as she could in this matter. I believe she felt empowered by the entire process. She knows in her heart of hearts, what he did was wrong.

Warmly,

Kathleen

Subject: I just spoke with Jenny
Date: Thu, 3 Dec 2009 13:46:25 -0800
From: cjamison@ADP.CA.GOV
To: kathleenphalen

Kathleen:

I just spoke with Jenny. She called me and she declined to give her last name or telephone number to the watchdog agency. I was going to submit the information to a Whistleblower Agency as my agency (ADP) is attempting to bury this entire matter. I must respect Jenny's decision to withdraw her name and contact information and so it goes. Basically nothing will happen to Mr Ortega and whatever he decides to do from there I have no control over. I've done as much as I possibly can, up to and including getting myself into trouble with my supervisor's supervisor and the ADP attorney that just want this whole matter to go away. I feel very sad that all my hard work has been for nothing and that he will probably continue to victimize people. I did my best.

I know there is a reason for everything.

Would you be willing to speak with the Bureau of State Audits

12/3/2009



Date: 11/03/2009

JAMISON.CINDY A

Dear Member

Thank you for the recent opportunity for MHN to serve you by accessing your Employee Assistance Program benefits.

To help provide the best possible service to our members, we are conducting a member satisfaction survey. You can help us by completing the attached two-page survey and returning it to us in the self addressed envelope provided for your convenience. Your responses will be kept confidential.

Thanks in advance for your feedback. We look forward to hearing from you.

Sincerely,

MHN, Quality Management Department

MHN- 503 Canal Boulevard -Richmond, CA 94804
(800) 327- 2133 - www.mhn.com



SURVLC 9-22-06

*Email Rec'd from Steinhart
10-26-09*

-----Original Message-----

From: Daniel Steinhart

Sent: Monday, October 26, 2009 1:10 PM

To: Cindy Jamison

Cc: Joy Jarfors; Kathryn Frost

Subject: Project recovery counselor complaint

Cindy,

You are ordered to immediately cease any further action regarding this complaint. If you receive any communication regarding this complaint, you must immediately refer and/or forward the person, information, communication directly to me.

Thank you,

Daniel

To: Joy Jarfors

Subject: Record and Verification of Work Restrictions Imposed on Me

Joy

On Tuesday, December 1, 2009, you advised me that our Assistant Deputy Director, Daniel Steinhart had directed you to inform me that he was pulling me out of the field. You explained that Assistant Deputy Steinhart has ordered that I not be allowed to travel anywhere to conduct complaint investigations. You told me that this change in my work assignment would be effective immediately, December 1, 2009, and would continue until Assistant Deputy Director Steinhart's "Fact Finding Expedition" has been completed.

As I understand it, the Fact Finding is being conducted in regards to complaint number 09-075C, which involved allegations of sexual impropriety on the part of a drug counselor. As the investigating analyst, I had been instructed by Kelley Farrell, of ADP's Legal Services, to change my finding of "substantiated" to "unsubstantiated" for the report on this complaint investigation.

You did not indicate when this Fact Finding is expected to be completed. I would appreciate it if you could provide me with an estimated completion date. You also did not offer an explanation as to why you, rather than my direct supervisor, Kathryn Frost, were informing me of these restrictions on my work.

M E M O R A N D U M

To: Cindy Jamison
Associate Governmental Program Analyst

Date: January 27, 2010



From: Daniel Steinhart, Chief
Licensing and Certification Division
Department of Alcohol and Drug Programs
1700 K Street, 3rd Floor, 327-7681

Subject: Corrective Memorandum

On 10/22/09, you submitted a counselor complaint investigative report via email to Staff Counsel, Kelley Farrell in the Department's Office of Legal Services, with a finding of "substantiated" and a recommendation to "revoke" the counselor's certification. You subsequently revised the report on 10/23/09, changing the finding to "unsubstantiated" but left the body of the report essentially intact, including details from the investigation which indicated that you felt the complaint was in fact substantiated and included your recommendation that the counselor's license should be revoked.

When early efforts to obtain evidence supporting the allegations were unsuccessful, you developed and mailed a bulletin and survey, to 17 facilities in the Santa Barbara area. This bulletin was sent out on Alcohol and Drug Programs letterhead. The following is some of the language in the bulletin, including a request for assistance from each of the facilities:

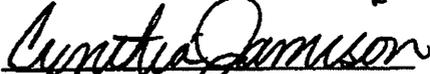
"ADP has been advised that there may be an alcohol and drug counselor that is acting inappropriately towards female clients and that he may be a predator. ADP is committed to protecting client's personal rights and making sure that all clients are in a safe environment while pursuing their recovery at any of our licensed and/or certified facilities.

So far, all we have knowledge of is an anonymous telephone call alleging that one of the counselors at Project Recovery is a predator and that this counselor has been having inappropriate relationships with female clientele in the recovery community of Santa Barbara. There has been no proof of these allegations to date and the anonymous caller has not come forward to offer proof or to identify himself.



Cindy Jamison
January 27 2010
Page 3

This Corrective Memorandum will be placed in your Official Personnel File (OPF) and will remain in your file for up to one year. It is your responsibility to ensure that this document is removed from your OPF at the end of 12 months. You may attach a rebuttal to this letter.



Employee Signature

1-29-2010

Date



Supervisor Signature

1-29-2010

Date

cc: Lorraine Espitalier
Official Personnel File

INVESTIGATIVE COMPLAINT FORM

By law we must conduct our investigations confidentially, therefore we will never reveal your name to the subject department without your written permission. Please note that if you are accessing this page from your employer's computer, your employer may be monitoring such access.

Your Information (if submitting an anonymous complaint, leave blank)

Name:

Position:

Work Phone:

Home Phone:

Employer:

Subject(s) Information (state employee(s) who is(are) violating the law)

Subject 1

* Name:

Position:

Supervisor Name:

* Department:

Division:

Department Address:

Work Phone:

Subject 2

Name:

Position:

Supervisor Name:

Department:

Division:

Department

Complaint Submission Successful

Case Number:

We are processing your complaint under Section 8547 of the California Government Code, the California Whistleblower Protection Act. However, it is important for you to know that it is not possible for this office to act as an advocate for individuals in their disputes with state departments or employees. In addition, by law we must conduct our investigations confidentially. As a result of the law, we cannot keep you informed about the progress or results of our review.

If you have additional evidence supporting your case, please send it to:

Bureau of State Audits
Attn: Investigations Unit
555 Capitol Mall
Suite 300
Sacramento, California 95814
Please include your case number in any correspondence.

If you have any questions, you may call our hotline at **1-800-952-5665**.