



OFFICE OF ADMINISTRATIVE HEARINGS

State of California

EXHIBIT / WITNESS LIST

OAH 23 (rev. 2/03)

OAH No. 2014080757

Agency No. 2013-1113

ALJ: Eric Sawyer

Agency / Complainant: PERS	Respondents: Desi Alvarez & Chino Basin Watermaster
Attorney / Rep.:	Attorney / Rep.:

Marked for I.D.	Hearing Dates: Evidence Offered - (via Witness)	Evidence Admitted Date - All - Jurisdiction	Marked for I.D.	Watermaster exhibits are A-U. Alvarez exhibits are 203-270	Evidence Admitted Date - All - Jurisdiction
✓ 1.	Statement of Issues - 4/11/2014	Juris	✓ A.	Judgment, Superior Court Case No. RCV 51010 (formerly Case No. SCV 164327)	Yes
✓ 2.	Notice of Hearing - 9/2/2014	Juris	✓ B.	February 19, 1998 Ruling, Superior Court Case No. RCV 51010 (formerly Case No. SCV 164327)	Yes
✓ 3.	Amended Statement of Issues	Juris	C.	Not offered	
✓ 4.	Determination Letter - 2/20/2013	Yes	✓ D.	Chino Basin Watermaster Rules and Regulations, June 2001	Yes
✓ 5.	Amended Determination Letter - 6/17/2013	Yes	✓ E.	July 19, 2001 Order Granting Final Approval of Watermaster Rules and Regulations; Filing of Motions to Amendment Judgment	Yes
✓ 6.	Supplemental Determination Letter - 2/4/15 (and as may be corrected for errata) - 2/12/2015	Yes	✓ F.	October 22, 2010 Letter to James R. Koren, The Sun and Inland Valley Daily Bulletin	Yes
✓ 7.	Notice of Appeal - Alvarez - 4/19/2013	Juris	✓ G.	January 31, 2011 Email from S. Molino re: Chino Basin Watermaster CEO Search	Yes
✓ 8.	Notice of Appeal - Chino Basin Watermaster - 4/19/2013	Juris	H.	Not offered	
✓ 9.	Application for Service Retirement - 5/2/2012	Yes	✓ I.	Agenda for March 31, 2011 Watermaster Board Closed Session Conference Call Special Meeting	Yes
✓ 10.	Minutes - Closed Conference Call Special Meeting - Chino Basin Watermaster - 5/31/2011	Yes	✓ J.	Minutes of March 31, 2011 Watermaster Board Closed Session Conference Call Special Meeting	Yes
✓ 11.	Employment Agreement - 5/3/2011	Yes	✓ K.	Minutes of the Chino Basin Watermaster Board Meeting on April 28, 2011	Yes
✓ 12.	Confidential Separation Agreement - 1/23/2012 SEALED	Yes	L.	Not offered	
✓ 13.	Organization Chart - Chino Basin Watermaster (a) 2010, 2011, 2012, 2013, 2014	Yes	M.	Not offered	
✓ 14.	Minutes - Chino Basin Watermaster Board Meeting - 5/23/2013	Yes	✓ N.	Watermaster Resolution No. 01-03, Adopting Procedures, Guidelines and Fee Schedule for Release of Information and Documents	Yes
✓ 15.	Salary Matrix/Budget Work Sheet - 2004 - 2009	Yes	✓ O.	Watermaster Information Request Form	Yes
✓ 16.	Salary Matrix - 2011-2012; 2012/2013	Yes	✓ P.	December 21, 2007 Order Concerning Motion for Approval of Peace II Documents	Yes
✓ 17.	Temporary Part-Time Employment Agreement - 1/17/2012; Extension of Temporary - Part-time Employment Agreement	Yes	✓ Q.	2012 Restated Judgment, Superior Court Case No. RCV 51010 (formerly Case No. SCV 164327)	Yes
✓ 18.	E-mails- (a) J. Joswiak	Yes	✓ R.	September 15, 2011 Email from Joswiak to Tracy	Yes
✓ 19.	Chino Basin Watermaster - CalPERS contracts and amendments	Yes	✓ S.	Salary Schedule 11/12	Yes

20.	Not offered		T.	Watermaster Closing Brief	No
✓ 21.	Payroll Detail Report - Alvarez, Desi	Yes	U.	Watermaster closing reply brief	No
22.	Not offered				
23.	Not offered		✓ 203	January 31, 2011 notice re recruitment of new Chief Executive Officer for Watermaster	Yes
24.	Not offered		✓ 204	February 11, 2011 notice re recruitment of new Chief Executive Officer for Watermaster	Yes
✓ 25.	PERS closing brief	No	✓ 205	February 16, 2011 letter and attached curriculum vitae from Desi Alvarez to Watermaster re interest in the open Chief Executive Officer position	Yes
✓ 26.	Request for Official Notice "RFON"	No	✓ 206	March 28, 2011 application of Desi Alvarez for the position of Watermaster CEO	Yes
✓ 27.	Response to Respondents' Objections to RFON	No	✓ 207	Employment Agreement for Alvarez, CEO of Watermaster, dated May 3, 2011	Yes
✓ 28.	ALJ Order re: RFON	No	✓ 223	Minutes of the Watermaster Appropriative Pool Meeting on May 5, 2011, approved June 2, 2011	Yes
✓ 29.	ALJ's Amended Order re: RFON	No	✓ 224	Minutes of the Watermaster Agricultural Pool Meeting on May 12, 2011, approved on June 9, 2011	Yes
✓ 30.	PERS closing reply brief	No	✓ 225	Minutes of the May 19, 2011 Chino Basin Watermaster Advisory Committee Meeting, approved on June 16, 2011	Yes
✓ 31.	ALJ Order re: closing the record	No	✓ 226	Draft Minutes of the Chino Basin Watermaster Board Meeting on May 26, 2011	Yes
			✓ 227	Minutes of the June 2, 2011 Chino Basin Watermaster Appropriative Pool Meeting, approved on July 14, 2011	Yes
			✓ 228	Minutes of the June 9, 2011 Chino Basin Watermaster Agricultural Pool Meeting, approved on July 14, 2011	Yes
			✓ 229	Minutes of the June 16, 2011 Chino Basin Watermaster Advisory Committee Meeting, approved on July 2011	Yes
			✓ 230	Minutes of the June 23, 2011 Chino Basin Watermaster Board Meeting, approved on July 28, 2011	Yes
			✓ 231	Minutes of the July 14, 2011 Chino Basin Watermaster Appropriative Pool Meeting, approved on August 11, 2011	Yes
			✓ 232	Minutes of the July 14, 2011 Chino Basin Watermaster Agricultural Pool Meeting, approved on August 11, 2011	Yes
			✓ 233	Minutes of the July 21, 2011 Chino Basin Watermaster Advisory Committee Meeting, approved on August 18, 2011	Yes
			✓ 235	Minutes of the July 28, 2011 Watermaster Board Meeting, approved on August 25, 2011	Yes
			✓ 237	Minutes of the August 11, 2011 Chino Basin Watermaster Non-Agricultural Pool Meeting, approved October 13, 2011	Yes

		✓	238	Minutes of the August 11, 2011 Chino Basin Watermaster Appropriative Pool Committee Meeting, approved October 13, 2011	Yes
		✓	239	Minutes of the August 11, 2011 Chino Basin Watermaster Agricultural Pool Committee Meeting, approved September 8, 2011	Yes
		✓	240	Minutes of the August 18, 2011 Chino Basin Watermaster Advisory Committee Meeting, approved October 20, 2011	Yes
		✓	241	Minutes of the August 25, 2011 Chino Basin Watermaster Board Meeting, approved October 27, 2011	Yes
		✓	242	Minutes of the September 8, 2011 Chino Basin Watermaster Non-Agricultural Pool Conference Call Meeting, approved October 13, 2011	Yes
		✓	243	Minutes of the September 8, 2011 Chino Basin Appropriative Pool Committee Meeting, approved October 13, 2011	Yes
		✓	244	Minutes of the September 8, 2011 Chino Basin Watermaster Agricultural Pool Committee Meeting, approved October 13, 2011	Yes
		✓	245	Minutes of the September 15, 2011 Chino Basin Watermaster Advisory Committee Meeting, approved October 20, 2011	Yes
		✓	246	Minutes of the September 22, 2011 Chino Basin Watermaster Board Meeting, approved October 27, 2011	Yes
		✓	247	Minutes of the October 13, 2011 Chino Basin Watermaster Non-Agricultural Pool Conference Call Meeting, approved November 10, 2011	Yes
		✓	248	Minutes of the October 13, 2011 Chino Basin Watermaster Appropriative Pool Meeting, approved November 10, 2011	Yes
		✓	249	Minutes of the October 13, 2011 Chino Basin Watermaster Agricultural Pool Committee Meeting, approved November 10, 2011	Yes
		✓	250	Minutes of the October 20, 2011 Chino Basin Watermaster Advisory Committee Meeting, approved November 17, 2011	Yes
		✓	251	Minutes of the October 27, 2011 Chino Basin Watermaster Board Meeting	Yes
		✓	255	Job description for Watermaster's Chief Executive Officer	Yes
		✓	258	October 22, 2010 letter to James R. Koren, The Sun and Inland Valley Daily Bulletin	Yes
		✓	259	November 16, 2012 emails between Angel Gutierrez of CalPERS and Joseph Joswiak of Watermaster re public availability of Mr. Alvarez's CEO salary	Yes

			264	Payroll earning reports for Mr. Alvarez	withdrawn
		✓	265	CalPERS' policies and procedures on application of Government Code section 20636	Yes
		✓	266	Circular letter 8/19/11	Yes
		✓	267	Circular letter 10/25/12	Yes
		✓	268	DA closing brief	No
		✓	269	Objections to RFON	No
		✓	270	DA reply closing brief	No

COMPLAINANT WITNESSES	RELEASED	RESPONDENT WITNESSES	RELEASED
1. Joseph Joswiak, day 1	Yes	1. Anthony La	Yes
2. Peter Kavounas, day 1	Yes	2. Meredith Perkins	Yes
3. Bob Kuhn, day 1	Yes	3. Peter Kavounas	Yes
4. Angel Gutierrez, day 2	Yes	4. Joseph Joswiak	Yes
5. Ronald Gow, day 2	Yes	5. Desi Alvarez	Yes
6.		6. Nicole Horning	Yes
7.		7.	
8.		8.	
9.		9.	
10.		10.	
11.		11.	
12.		12.	
13.		13.	

EXHIBITS

Desi Alvarez
 Agency Case No. 2013-1113
 OAH Case No. 2014080757

EXHIBIT		I.D.	EVID.
	JURISDICTIONAL DOCUMENTS		
1	Statement of Issues – 4/11/2014		
2	Notice of Hearing – 9/2/2014		
3	Amended Statement of Issues - TBS		
4	Determination Letter – 2/20/2013		
5	Amended Determination Letter – 6/17/2013		
6	Supplemental Determination Letter – 2/4/15 (and as may be corrected for errata) - 2/12/2015		
7	Notice of Appeal – Alvarez – 4/ 19/2013		
8	Notice of Appeal - Chino Basin Watermaster – 4/19/2013		
9	Application for Service Retirement – 5/2/2012		
	OTHER		
10	Minutes – Closed Conference Call Special Meeting - Chino Basin Watermaster – 5/31/2011		
11	Employment Agreement – 5/3/2011		
12	Confidential Separation Agreement - 1/23/2012		
13	Organization Chart – Chino Basin Watermaster (a) 2010, 2011, 2012, 2013, 2014		
14	Minutes – Chino Basin Watermaster Board Meeting – 5/23/2013		
15	Salary Matrix/Budget Work Sheet - 2004 - 2009		
16	Salary Matrix” – 2011-2012; 2012/2013		
17	Temporary Part-Time Employment Agreement – 1/17/2012 (a) Extension of Temporary – Part-time Employment Agreement		
18	E-mails- (a) J. Joswiak – 1/25/12; 5/4/12; 2/22/13; 4/19/13		
19	Chino Basin Watermaster - CalPERS contracts and amendments		
20	Chino Basin Rules and Regulations		
21	Payroll Detail Report – Alvarez, Desi		
22	Actuarial calculation of increased accrued liability.		
23	CalPERS Precedential Decision, In re Adams		
24	Gov. Code sections 54956, 54957, 3511.1		