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By: malvarad Date: 09/03/14 8:37

BOARD OF ADMINISTRATION

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

In the Matter of the Statement of Issues)	CASE NO. 2013-1113
Against:)	OAH NO. 2014080757
DESI ALVAREZ,)	NOTICE OF HEARING
Respondent,)	
and)	(Pursuant to Gov. Code, § 11509)
CHINO BASIN WATERMASTER,)	ALJ: To Be Assigned
Respondent.)	Hearing Date: March 11-13, 2015
)	Hearing Location: Glendale
)	Prehearing Conf.: None Scheduled
)	Settlement Conf.: None Scheduled

TO THE RESPONDENT(S) above named: Desi Alvarez by service on JOHN
M. JENSEN, his attorney of record; and Chino Basin Watermaster, by service on
Bradley J. Herrema, its attorney of record.

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the hearing of the
Statement of Issues in the above-entitled matter has been set and will be held before
an Administrative Law Judge of the Office of Administrative Hearings of the State of
California at: Glendale Plaza 655 North Central Avenue, Suite 1400, Glendale, CA
91203, **for 3 days of hearing on March 11, 12, and 13, 2015 at 9:00 a.m.**, upon the

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NOTICE OF HEARING
In Re the Matter of Desi Alvarez

PENGAD 600-631-6989

STATE'S
EXHIBIT

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2014080757

1 the place of hearing, you must notify the presiding officer within 10 days after this
2 notice is served on you. Failure to notify the presiding officer within 10 days will
3 deprive you of a change in the place of the hearing. You may contact Susan Formaker
4 or Nancy Beezy Micon (LA), Presiding Administrative Law Judge of the OAH Los
5 Angeles at (213) 576-7200.

6 You may be present at the hearing. You have a right to be represented by an
7 attorney at your own expense. You are not entitled to the appointment of an attorney
8 to represent you at public expense. You are entitled to represent yourself without legal
9 counsel. You may present any relevant evidence and will be given full opportunity to
10 cross-examine all witnesses testifying against you. You are expected to be ready to
11 proceed with your case at the time of hearing. Failure to appear at the hearing, either
12 through an attorney or personally, if you do not have an attorney, may result in a
13 default. This means that CalPERS' decision will be upheld irrespective of any
14 evidence that may or may not be introduced in your absence.

15 You have a right to an interpreter if you do not proficiently speak or understand
16 English. If you need an interpreter, you must notify CalPERS immediately so that
17 appropriate arrangements can be made.

18 You are entitled to the issuance of subpoenas to compel the attendance of
19 witnesses and the production of books, documents, or other things by applying to said
20 agency at: OAH, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013

21 BOARD OF ADMINISTRATION, CALIFORNIA
22 PUBLIC EMPLOYEES' RETIREMENT SYSTEM

23 Dated: September 2, 2014

24 
25 WESLEY E. KENNEDY,
SENIOR STAFF ATTORNEY

**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7
PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11506**

Section 11507.5: Exclusivity of Discovery Provisions.

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

(Added by Stats. 1988, ch. 808.)

Section 11507.6: Discovery; Procedures, Scope, and Methods.

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of the following in the possession or custody or control or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including but not limited to reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person, signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

(Added by Stats. 1988, ch. 808; Amended by Stats. 1985, ch. 1328, Stats. 1995, ch. 938, § 31, operative July 1, 1997.)

Section 11507.7: Motion to Compel Discovery; Contents, Service Time Limit.

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it¹ matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

(Added by Stats.1988, ch. 808; Amended by Stats.1971, ch. 1303, Stats. 1980, ch. 548; Stats. 1985, ch. 938, § 31, operative July 1, 1987.)