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8 Attorneys for Defendant
9 DAVID VALENTIN

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

12
13 SANTA ANA POLICE OFFICERS
14 ASSOCIATION; GERRY SERRANO,

15 Plaintiffs,

16 vs.

17 CITY OF SANTA ANA, a Municipal
Corporation; SANTA ANA POLICE
18 DEPARTMENT, a public safety department;
DAVID VALENTIN, Chief of Police;
19 KRISTIN RIDGE, City Manager; SONIA
CARVALHO, City Attorney; JASON
20 MOTSICK, Director of Human Resources;
DOES I-X, inclusive,

21 Defendants.
22
23

Case No. 30-2021-01230129-CU-OE-CJC

**DECLARATION OF DEFENDANT
DAVID VALENTIN IN SUPPORT OF
NOTICE OF MOTION AND SPECIAL
MOTION TO STRIKE PUSURANT TO
CODE OF CIVIL PROCEDURE § 425.16**

[Assigned For All Purposes To:
Hon. Lon F. Hurwitz, Dept. C20]

Action Filed: November 8, 2021
Trial Date: None Set

24 I, DAVID VALENTIN, do hereby declare as follows:

- 25 1. I am a party in the above-entitled action. I am, and at all times relevant to this
26 action, was, the Chief of Police of the Santa Ana Police Department. I am fully familiar with the
27 facts of this case and if called as a witness regarding the matters set forth below, I would so testify.
- 28 2. I grew up in Santa Ana, and graduated from Saddleback High School.

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Attorneys at Law
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IRVINE, CALIFORNIA 92612
TELEPHONE 949-771-9233 *FAX 949-377-3110

1 3. I have devoted my professional career to serving the people of Santa Ana. I joined
2 the Santa Ana Police Department in 1990, and throughout my law enforcement career spanning
3 over thirty years, I worked my way up the ranks from police officer until I was appointed Acting
4 Chief of Police on June 20, 2017, and confirmed unanimously by the City Council as permanent
5 Police Chief on February 20, 2018.

6 4. I fully support all of the men and women of the Santa Ana Police Department who
7 bravely put their lives on the line every day to protect and serve the people of Santa Ana.

8 5. Throughout my career in law enforcement, I have obtained over 19 years of
9 substantive command-level experience, including Senior Management Command in all Bureaus of
10 the Santa Ana Police Department, and nearly five years of serving as Chief of Police for the Santa
11 Ana Unified School District Police Department.

12 6. I have a Master's degree in Public Administration with an emphasis in Human
13 Resources from California State University, Fullerton. I have completed the John F. Kennedy
14 School of Government, state and local government program at Harvard University. I am a
15 graduate of the FBI National Academy and the California P.O.S.T. Command College.

16 7. I have served as a trainer at the Orange County Sheriff's Academy Advanced
17 Officer Training Program, in addition to consulting locally, nationally, and internationally via the
18 International City and County Management Association, to the Countries of Mexico and El
19 Salvador in the areas of community oriented policing, cultural diversity, leadership and executive
20 position recruitment / selection in the law enforcement and public education industries.

21 8. I am an active member of both the International Chiefs of Police (IACP) and the
22 California Police Chiefs Associations, and have served on the California Police Chiefs Association
23 Law and Legislative Committee and IACP Victim Services Committee, and I currently serve on
24 the board of directors for the Orange County Chiefs of Police and Sheriffs Association as vice
25 president, and am currently president-elect, set to commence my term in March 2022.

26 9. As Chief of Police, I have personally interacted with Santa Ana Police Officers
27 Union ("SAPOA") president Gerry Serrano, and I regularly interact with police officers who are
28 members of the Santa Ana Police Officers Association.

1 10. Initially, Gerry Serrano expressed support for me as Chief. However, over time,
2 Gerry Serrano's relationship with myself and other City officials has deteriorated as Gerry Serrano
3 has started making meritless allegations against myself and others in the police department and the
4 city, in an attempt to gain leverage in his demands for a higher pension, and to create further
5 leverage to increase his political power and influence over the city, the Police Department, and
6 myself as Chief of Police.

7 11. This lawsuit filed against me by Plaintiffs Gerry Serrano and SAPOA is not based
8 on fact, and is part of a long-term orchestrated effort by Gerry Serrano to suppress my public
9 participation and free speech in relation to the services I perform for the City of Santa Ana.

10 12. I have reviewed Gerry Serrano and SAPOA's claims in their Complaint filed in this
11 lawsuit, and I have determined that all of their claims against me are either based on fabrications
12 or distortions of the facts, which are intended to maliciously paint me in a negative light. For
13 example, Gerry Serrano and SAPOA have alleged in this lawsuit that I spied on Serrano and
14 members of the Santa Ana City Council by redirecting emails sent by Plaintiff Serrano to
15 Councilmember Solorio to my office, and "put a tracer" on all of Plaintiff Serrano's emails. This
16 allegation is completely fabricated. Plaintiffs' Complaint similarly contains numerous allegations
17 that I either improperly initiated investigations, or mishandled investigations. Each and every such
18 allegation mischaracterizes the facts.

19 13. I have never taken any action that would prevent SAPOA from communicating
20 with its members, and I have never refused to give SAPOA leadership access to the email
21 addresses of SAPOA members employed at the Santa Ana Police Department.

22 14. In my experience at the Santa Ana Police Department, I have witnessed Gerry
23 Serrano, as president of SAPOA, engage in multiple attempts to pressure individuals with whom
24 he had personal disagreements into resigning from positions of public authority, being removed by
25 their superiors, or recalled by the voters.

26 15. Attached hereto as Exhibit "A" is a true and correct copy of a March 11, 2021
27 email I received that was forwarded from Santa Ana Police Department Detective Sergeant and
28 former SAPOA vice president James Armstrong regarding his resignation as SAPOA vice

1 president. In his email, he asserted that Gerry Serrano "turned our union into a subtle dictatorship."
2 He also asserted that Gerry Serrano's "continual conflict" with me "is effecting the good order and
3 morale of our membership."

4 16. Attached hereto as Exhibit "B" is a true and correct copy of May 18, 2021
5 correspondence which Santa Ana City Manager Kristine Ridge sent to Gerry Serrano, asserting
6 that his conduct of sending text messages and emails to elected officials calling for my discipline
7 and termination was bordering on creating a hostile work environment, and "appear to be an
8 attempt to turn personal grievances into a public forum debate."

9 17. Attached hereto as Exhibit "C" are true and correct copies of July 1, 2021 and July
10 15, 2021 emails from Gerry Serrano's attorney, Charles Goldwasser, to City of Santa Ana Director
11 of Human Resources, Jason Motsick. In his emails, Mr. Goldwasser requested that Mr. Motsick
12 "please brief the Council on the idea of creating a job position in the City that would pay Gerry
13 what he is being paid today . . . thus allowing his retirement to accurately reflect his compensation
14 earnable." Mr. Goldwasser also asked Mr. Motsick to "discuss with the Council the possibility of a
15 settlement of outstanding claims held by Gerry in an amount that would allow the purchase of an
16 annuity that would ensure that his retirement would match that based on his current President's
17 pay." Mr. Goldwasser suggests appointing Mr. Serrano as a Code Enforcement Manager or a Jail
18 Administrator to provide the extra income to increase Mr. Serrano's pension.

19 18. Attached hereto as Exhibit "D" is a true and correct copy of July 19, 2021
20 correspondence which City Manager Kristine Ridge sent to the City Council, asserting that Gerry
21 Serrano "is singularly focused on securing a pension based upon his salary of \$241,042. . . . [and
22 that] this is the driving influence behind the barrage of allegations and tort claims from Mr.
23 Serrano personally, through the POA Board and through legal counsel hired by the POA." The
24 letter goes on to assert that "it is clear he intends to 'burn the City to the ground' unless he gets
25 what he wants."

26 19. City of Santa Ana Homeless Liaison Manager and retired Santa Ana Police
27 Department Deputy Chief Ken Gominsky has personally corroborated to me that Gerry Serrano
28 told him he intends to "burn the City to the ground" if he does not get what he wants.

1 20. Attached hereto as Exhibit "E" is a true and correct copy of July 20, 2021
2 correspondence which Santa Ana City Attorney Sonia Carvalho sent to Gerry Serrano's attorney,
3 Charles Goldwasser regarding CalPERS' decision not to include portions of Serrano's pay which
4 he receives as union president in his pension as a police sergeant. The letter also addresses Gerry
5 Serrano's request that the City create a new high-paying position specifically for him, in order to
6 justify an increase in his pension. The letter also addresses Gerry Serrano and his attorneys' claims
7 against the City, and explains that they are groundless.

8 21. I have never contacted CalPERS or told any other person to contact CalPERS
9 regarding Gerry Serrano's pension.

10 22. In 2021, Gerry Serrano threatened to pursue a vote of no-confidence against me. I
11 believe the reason he pursued a vote of no-confidence against me is because I did not relinquish to
12 his persistent demands which I believe would violate department policy, city policy, and the law.
13 In July 2021, Gerry Serrano initiated a vote of no-confidence of the membership of the SAPOA,
14 and its results were published on September 1, 2021.

15 23. Attached hereto as Exhibit "F" is a true and correct copy of an August 26, 2021
16 5:05 a.m. email from Gerry Serrano to Santa Ana Director of Human Resources, Jason Motsick, in
17 which he stated that "The working conditions for many are becoming unbearable. This is a recipe
18 for a unfortunate incident happening when you have this type of behavior in a police station
19 frequently occurring with armed personnel... I would hate for some thing bad to happen after
20 several advisements to the city."

21 24. Shortly after receiving Gerry Serrano's August 26, 2021 email, Mr. Serrano showed
22 up for Police Department roll call at 5:30 a.m.

23 25. Attached hereto as Exhibit "G" is a true and correct copy of an August 27, 2021
24 letter sent by Plaintiff's attorney, Corey Glave, to City Manager Kristine Ridge and City Director
25 of Human Resources, Jason Motsick, wherein he referenced Gerry Serrano's August 26, 2021
26 email and Mr. Serrano being placed on administrative leave.

27 26. Attached hereto as Exhibit "H" is a true and correct copy of a September 1, 2021
28 letter I wrote to the entire Police Department, explaining that I am "the target of an increasingly

1 intense personal and political attack primarily led by one police employee; centered on false,
2 frivolous, harassing and retaliatory actions and claims."

3 27. Attached hereto as Exhibit "I" is a true and correct copy of a September 1, 2021
4 press release which was issued by the Police Department at my request, regarding Gerry Serrano's
5 vote of no confidence against me. The press release explains that Mr. Serrao's vote of no-
6 confidence was a result of Mr. Serrano furthering his personal and political attacks against me.
7 The press release contained quotes from the Santa Ana Mayor and City Manager who indicated
8 their continuing support for the work I perform as Chief of Police.

9 28. Attached hereto as Exhibit "J" is a true and correct copy of January 5, 2022
10 correspondence I received that was sent by Plaintiffs' attorney Corey Glave to Orange County
11 District Attorney Todd Spitzer, requesting that the District Attorney's office open a criminal
12 investigation against me. In his letter, Mr. Glave alleges that I diverted Santa Ana Police Officers
13 Association and City Councilmember emails to my office, and thereby violated their privacy.
14 However, the only emails I have ever obtained from Plaintiffs SAPOA and Gerry Serrano, or any
15 Santa Ana City Councilmembers, are emails that were addressed or forwarded to me as an
16 intended recipient.

17 29. Attached to his January 5, 2022 letter to the District Attorney, attorney Corey
18 Glave included copies of emails between Santa Ana Police Department personnel regarding saving
19 copies of all emails in my email account that had been sent by or to city councilmembers or Gerry
20 Serrano, including a January 9, 2020 email which erroneously asks for emails between
21 Councilmember Jose Solorio and POA President Gerry Serrano to be saved. All subsequent emails
22 correct this error, and state that I am asking my staff to save all emails between Gerry Serrano and
23 myself. The subject line of these emails is "Chief Valentin's Emails." Because the emails attached
24 to Mr. Glave's letter clearly show that my office was simply saving emails that were sent to or
25 received by my email account, I can only interpret Mr. Glave's January 5, 2022 correspondence to
26 the District Attorney requesting a criminal investigation against me as a baseless and malicious
27 attempt to attack my character, and to intimidate and harass me.

28 ///

1 30. Plaintiffs' attorney, Corey Glave, has made reference to this lawsuit when
2 communicating with me regarding unrelated legal matters. I believe Plaintiffs and their attorney
3 are attempting to intimidate and harass me in in effort to impact my ability to carry out my duties
4 as Chief of Police in a fair and evenhanded way.

5 31. Plaintiff Gerry Serrano recently appeared at a hearing on February 9, 2022. An
6 individual at the hearing was permitted to have one representative. The individual already had a
7 representative, and Mr. Serrano was therefore not permitted to attend. I requested that Mr. Serrano
8 leave the hearing. Mr. Serrano initially refused to leave, and said "What, you're looking at me" in a
9 threatening manner. I replied, "Please leave the room." He replied, "You were looking at me."
10 After glaring at me for some time, Serrano eventually exited the room. I believe the reason Mr.
11 Serrano attended the hearing was to intimidate and harass me.

12 32. As Chief of Police, I am duty-bound to address alleged administrative and criminal
13 violations of any employee of the Santa Ana Police Department. Pursuant to those obligations, I
14 have reported conduct involving Gerry Serrano that I believe to be administrative and criminal
15 violations to other law enforcement agencies.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct, and that this declaration was executed on this 21st day of February,
18 2022, at Santa Ana, California.

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Exhibit “A”

From: Armstrong, James
Sent: Thursday, March 11, 2021 10:23 AM
To: STA31POA (rosie.reed@santaanapoa.com) <rosie.reed@santaanapoa.com>
Subject: POA

Gerry-

Effective immediately, I am stepping down as SAPOA Vice President. My position in investigations requires my complete attention and investment.

I am disappointed after so many years of service as a board member representing the membership, that I am leaving this way. The POA and its board members once stood as a collective group of individuals from many facets, with many different points of view, which made US so strong as a union. And while board member diversity is still presently intact, individual points of view that don't align with yours are disregarded and those individuals singled out. Unfortunately, you have turned our union into a subtle dictatorship. For the past couple years, I have seen the increase of you using your influence and position in board meetings to obtain an agenda item(s) that you personally desire. I sat by quietly because these items benefitted the membership for the most part but also in turn, benefitted you directly. Presently, you present an item to the board and give an opinion, for or against, and then the board votes in your favor. Where is the discussion or diversity of opinion in that? On the occasion that I did speak out against you, you were clearly offended and held animosity.

For reasons we have already discussed, you are clearly aware that I lost respect and trust in you when you lied to me about two very serious issues (that would affect the overall membership) we discussed at length on multiple occasions. Two of those discussions also took place with then Eboard member John Rodriguez. I supported Adrian Silva for POA President because you lied to me and again, I lost respect and trust in you. If you remember all those years ago when the original Eboard got together, we promised to hold each other to the highest standards of integrity and respect. Sadly, you've forgotten that.

Be aware that several current board members support you only as a means to an end. They have bigger aspirations in mind, like replacing you and others. Are you aware that when you came up for re-election just last December, two board members had a discussion about who was going to nominate you but one member was conflicted because he was asked to do it. As their discussion went, the member who was asked to nominate you was struggling because as he stated, he wanted to be nominated to run against you because of his incredible following at the PD. That member sits on your board today. You have created a divisive

environment at the POA, so you shouldn't wonder why your own board members act this way.

Another serious concern which I have tried to repair on many occasions over the years is that you have disrespected and alienated our Chief, who WE AS AN EBOARD so many years ago, helped secure in his position. Disagreeing with the Chief on work related issues is part of the job but being in continual conflict with HIM is catastrophic for the membership. You continue to foster this environment with the Chief and is it effecting the good order and morale of our membership. I've been around a long time Gerry and know a lot about what you are doing behind closed doors. You can fool a lot of your board members and the general membership but you cant fool me. You are my 4th sitting president and I've seen it all.

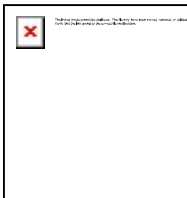
I know you had a hand in the "demand of my resignation" letter being written by your Eboard members and I would have appreciated you being man enough to admit that to me. Thank you for identifying those who wrote the letter so I can have closure of who was involved and resign like I said I would. I believe in Karma Gerry and I hope when you get yours, nothing serious happens and you only lose your arrogance and malicious attitude/actions.

James Armstrong, Detective Sergeant

Properly Crimes Unit

Santa Ana Police Department

Criminal Investigations Division



60 Civic Center Plaza

Santa Ana CA 92702

(714) 245-8437 Desk

(714) 245-8651 Fax



Exhibit “B”

MAYOR
Vicente Sarmiento
MAYOR PRO TEM
David Penalzo
COUNCILMEMBERS
Phil Bacerra
Johnathan Ryan Hernandez
Jessie Lopez
Nelida Mendoza
Thai Viet Phan



CITY MANAGER
Kristine Ridge
CITY ATTORNEY
Sonia R. Carvalho
CLERK OF THE COUNCIL
Daisy Gomez

CITY OF SANTA ANA

CITY MANAGER'S OFFICE
20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org

May 18, 2021

SENT VIA E-MAIL
gserrano@santa-ana.org

Sergeant Gerry Serrano
Santa Ana Police Department

Re: Employee Conduct Warning Letter

Dear Sergeant Serrano:

I write to remind you of standards of conduct which apply equally to all employees of the Santa Ana Police Department. Your unique role as a paid employee who is on full-time "release" so you can perform other duties as the President of the Santa Ana Police Officers Association ("SAPOA") does not excuse you from complying with the rules and policies of the City, including, but not limited to, the Santa Ana City Charter, the Santa Ana Municipal Code, and rules and policies of the Police Department. This letter serves as notice that you are required to adhere to these expectations and to direct you to cease and desist conduct that violates these rules.

As an advocate and leader of the SAPOA, I am cognizant of your rights to freedom of speech and duties to represent your members under the Meyers-Milias-Brown Act; however, your rights and duties do not supersede the rights of other civil service employees, nor do they excuse you from your obligation to comply with City rules and policies. Your recent actions have crossed the line between union advocacy and the role and expectations as an employee, as your conduct is bordering on creating a hostile work environment for other employees and undermines my role as the City Manager. Your use of similar tactics in the past subjected the City to significant liability and you are on notice that effective immediately such actions will not be tolerated.

Your recent text messages and emails to elected officials, calling for discipline and the termination of a civil service employee not only violate the City Charter, they violate conduct rules imposed upon you under the policies of the Police Department. As the City Manager, I cannot tolerate any employee's attempt to circumvent my sole discretion and authority over employment decisions of Executive Management members, or to influence, encourage or solicit Council Members to act in a manner that is inconsistent and in direct contravention with the City's Charter. The City

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Charter is clear that no member of the City Council shall direct or request the removal of officers and employees in the administrative branch of the City government.

You are no doubt aware, that the City of Santa Ana, as set forth in the City Charter, is a City Manager form of government. The City's Charter provides that it is the City Manager alone who has the authority to make employment decisions regarding appointed members of the Executive Management Team. The civil service provisions of the City Charter further provide that there be equitable treatment of all civil service employees in the matters of discipline, layoff or dismissal from the City service.

Your recent conduct calling for discipline and the termination of the Chief of Police, a civil service employee, not only violate the City Charter, but also the policies of the Police Department, as set forth below.

In Section 14.5 of the Memorandum of Understanding ("MOU") between the City and the SAPOA provides that as the Association's representative, you are **required to comply with the Rules and Regulations of the Santa Ana Police Department ("SAPD") as they apply to off-duty employees** (emphasis added; See SAPOA MOU, Article 14, Section 14.5).

Based on the express and negotiated language of the SAPOA MOU, there is no question that you are **required** to adhere to and comply with SAPD's rules, regulations, policies and procedures provided below that apply to off-duty employees:

- Sworn members of this department will conduct themselves in accordance with the Law Enforcement Code of Ethics and all members will carry out their official duties in a manner that compliments the department's mission, vision and values statements (SAPD Policy 100.3).
- AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice. I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will

constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement (SAPD Policy 104.3).

- The continued employment or appointment of every member of the Santa Ana Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action (SAPD Policy 320.2).
- Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority. Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty. Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct (SAPD Policy 320.4).
- The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service (SAPD Policy 320.5):
 - (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals. (b) Disobedience of any legal directive or order issued by any department member of a higher rank. (c) Violation of federal, state, local or administrative laws, rules or regulations (SAPD Policy 320.5.1).
 - (a) Using or disclosing one's status as a member of the Santa Ana Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity. (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose. (g) Any other failure to abide by the standards of ethical conduct (SAPD Policy 320.5.2).
 - (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members. (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend

- to discredit any of its members. (i) Any act on- or off-duty that brings discredit to this department (SAPD Policy 320.5.8).
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City. (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department. (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire. (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members (SAPD Policy 320.5.9).

Your recent conduct not only undermines my role as the City Manager, but also is conduct that is disrespectful, discourteous and inconsistent with the conduct expected of a sworn employee of the Police Department. I respect your right to express your personal and philosophical differences with the Chief of Police, but expect that concerns regarding alleged misconduct or potential discipline be directed to my attention to address. Your recent communications to the City Council may also violate the Chief of Police's rights under the Public Safety Procedural Bill of Rights, constitute defamation and appear to be an attempt to turn personal grievances into a public forum debate.

As stated, I understand that you have personal and philosophical disagreements with the Chief of Police and you have every right to express your views as an advocate of the SAPOA, but you must, as the City Charter mandates, stop engaging in activities that threaten employees protected by the civil service system. Your conduct may create liability for the City and to the extent that you continue to engage in such activities after being directed to stop, may subject you to discipline and personal liability for acting outside the scope of your employment.

If you wish to discuss this warning letter or have any questions, please contact the Executive Director of Human Resources, Jason Motsick.

Sincerely,



Kristine Ridge
City Manager
City of Santa Ana

C: Jason Motsick, Executive Director of Human Resources

Exhibit “C”

From: [Charles Goldwasser](#)
To: [Motsick, Jason](#)
Cc: [Gerry Serrano \(POA\)](#)
Subject: Gerry Serrano
Date: Thursday, July 1, 2021 3:11:44 PM

Jason,

I've spoken with Gerry and he believes that the amount necessary to get close to making him whole is \$20,166 per month based on his determination that right now he is making \$255,480. He'd work as a Code Enforcement Manager or a Jail Administrator.

Charles Goldwasser
Law Offices of Charles Goldwasser APC
15303 Ventura Boulevard, Suite 900
Los Angeles, CA 91403
Tel: (818) 380-3061
Cell: (323) 547-0471
Email: cgoldwasser@goldwasser-law.com

From: [Charles Goldwasser](#)
To: [Motsick, Jason](#)
Cc: [Gerry Serrano \(POA\)](#)
Subject: Jerry Serrano
Date: Thursday, July 15, 2021 1:42:51 PM

Dear Mr. Motsick,

Over the past years we have discussed the President's Pay problem raised by CalPERS, first with Peter Brown and then with you. Those discussions have been far-reaching and enlightening. I write to ask you to now bring this matter to the City Council at its next meeting.

In particular, would you please brief the Council on the idea of creating a job position in the City that would pay Gerry what he is being paid today (and what he has been paid for the last five and one-half years, i.e., no "spiking" issue), thus allowing his retirement to accurately reflect his compensation earnable. Please let the Council know that this is the same salary has been paid and been pensionable for prior POA presidents.

In addition, would you discuss with the Council the possibility of a settlement of outstanding claims held by Gerry in an amount that would allow the purchase of an annuity that would ensure that his retirement would match that based on his current President's pay.

The work of the parties over the past few years should not be discounted; however, now is the time to finalize this matter. Thank you.

Charles Goldwasser
Law Offices of Charles Goldwasser APC
15303 Ventura Boulevard, Suite 900
Los Angeles, CA 91403
Tel: (818) 380-3061
Cell: (323) 547-0471
Email: cgoldwasser@goldwasser-law.com

Exhibit “D”

MAYOR
Vicente Sarmiento
MAYOR PRO TEM
David Penalosa
COUNCILMEMBERS
Phil Bacerra
Johnathan Ryan Hernandez
Jessie Lopez
Nelida Mendoza
Thai Viet Phan



CITY MANAGER
Kristine Ridge
CITY ATTORNEY
Sonia R. Carvalho
CLERK OF THE COUNCIL
Daisy Gomez

CITY OF SANTA ANA

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July 19, 2021

Via E-mail

To Honorable Mayor, Mayor Pro Tem and Councilmembers:

I feel it is my professional duty to inform you of the tactics being utilized by the Santa Ana Police Association President, Gerry Serrano. The tactics are escalating at a swift pace and there is a high probability that the results of his actions will result in litigation and liability exposure for our City. Currently, Mr. Serrano is singularly focused on securing a pension based upon his salary of \$241,042. Under state code, specifically the Public Employee Retirement Law, his total compensation will not and cannot be considered as pensionable.

It is my belief based on statements made by Mr. Serrano that this is the driving influence behind the barrage of allegations and tort claims from Mr. Serrano personally, through the POA Board and through legal counsel hired by the POA. In addition, an anonymous letter was delivered in a questionable manner, making very similar allegations. Many of these allegations are serious and as communicated to you on April 6th of this year, the City is meeting its statutory obligation to investigate all credible allegations. First and foremost, I want to ensure you that if any allegations are sustained, the City will take the appropriate disciplinary action, including up to termination.

The City has assembled legal and investigative services to carry out our responsibilities. The recently hired Human Resources Director has dedicated significant hours, to not only overseeing the allegations, but also to attempt to engage in a professional working relationship with the POA President. In those conversations and based upon other statements made by Mr. Serrano, it is clear he intends to "burn the City to the ground" unless he gets what he wants.

As your City Manager, I remain responsible for 1,200 employees. The heavy lifting devoted to this one employee is proportionately unfair to Council priorities, taxpayers and other employees. In attempts to redirect this employee to adhere to our standards and other pertinent policies, I issued a warning letter in May (see attached correspondence). As a result, less than 24 hours later, I received a call from a close associate of Mr. Serrano, letting me know Mr. Serrano is claiming that I sexually harassed him. This third party stated he did not believe the allegation and that I should

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just help Gerry with his "pension issue". I self-reported this claim to both the City Attorney and Human Resources Director.

During this time, the behavior of Mr. Serrano, in my professional opinion, has gone way beyond the rights afforded him as a union president, engaging in a federally protected activity. His primary role is to protect the interests of his membership. His recent behavior has violated basic code of conduct, including untruthfulness, creating a harassing environment and even interfering with investigations by not cooperating and openly discussing allegations. He has not only interfered administratively but also politically.

It is professionally disappointing that I feel compelled to inform you of the current situation. The City deserves, under your leadership, the full focus of our efforts on making our community an incredible place.

Sincerely,



Kristine Ridge
City Manager

Attachment: Warning Letter sent to Gerry Serrano

Exhibit “E”

MAYOR
Vicente Sarmiento
MAYOR PRO TEM
David Penalosa
COUNCILMEMBERS
Phil Bacerra
Johnathan Ryan Hernandez
Jessie Lopez
Nelida Mendoza
Thai Viet Phan



CITY MANAGER
Kristine Ridge
CITY ATTORNEY
Sonia R. Carvalho
CLERK OF THE COUNCIL
Daisy Gomez

Sonia R. Carvalho
City Attorney
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E-Mail: scarvalho@santa-ana.org

CITY OF SANTA ANA

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July 20, 2021

VIA E-MAIL & U.S. MAIL

e-mail: cgoldwasser@goldwasser-law.com

Mr. Charles Goldwasser, Esq.
Law Offices of Charles Goldwasser APC
15303 Ventura Boulevard, Suite 900
Los Angeles, CA 91403

Dear Mr. Goldwasser:

I was asked to respond to your e-mail to Mr. Jason Motsick dated July 16, 2021 in which you asked, on behalf of Mr. Gerry Serrano, that Mr. Motsick brief the Mayor and Council Members about “the idea of creating a job position in the City that would pay Gerry what he is being paid today”, to ensure that Mr. Serrano receives a pension based on the total salary he has been paid over the past five years in the same manner as other retired POA Presidents received, and also on “the possibility of a settlement of outstanding claims held by Gerry in an amount that would allow the purchase of an annuity that would ensure that his retirement would match that based on his current President's pay.” Although your e-mail was silent on whether your request was for the City to consider these requests at an open or closed session briefing, we presume your request was for a briefing in closed session.

First, it is important to acknowledge the City staff time, your time, and legal resources that have been invested in mitigating the effect of the CalPERS decision on the calculation of Mr. Serrano's future pension payments. Collectively, we have made a good faith effort to come to a reasonable resolution. Unfortunately, Mr. Serrano wants more than mitigation of an unfortunate determination made by CalPERS. Essentially, he wants the City to make him whole; however, the City cannot do so based on the express language set forth in the SAPOA Memorandum of Understanding (“MOU”) and on the facts presented.

Next, with regards to scheduling a closed session to discuss appointing Mr. Serrano to a high paying position, the City is barred from doing so by the Brown Act. Pursuant to the City of Santa Ana City Charter, the City Manager has authority over all city employees, with the exception of the City Clerk and the City Attorney. Under the Brown Act, the Council may only go into closed session to discuss city employees appointed by the legislative body. The City Council, as the legislative body must have power to hire or fire the employee it wishes to

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July 20, 2021

Page 2

discuss in closed session. If it does not have such authority, the City Council cannot meet in closed session. As mentioned above, we presume you are asking for a closed session.¹ It is important to note the City Council may hold a closed session to discuss claims. The challenge however, is that it is unclear what “claims” Mr. Serrano is making against the City and even less clear what his damages are, if any. Mr. Serrano has not personally suffered any tangible adverse employment action and has not asserted any losses. As such, we believe it would be premature to engage in closed session settlement discussions without having a demand from you and before receiving an assessment and final recommendation from the City’s Risk Management Department.

Essentially, all the City has at this point is the July 9, 2021 Notice of Claim which contains innuendo and conclusions for which Mr. Glave offers no evidence for the City to evaluate. For example, the sexual harassment claim reported by Mr. Ryan Ogulnick is currently being investigated, but to date, Mr. Serrano has not yet scheduled an interview with the investigator assigned to the matter. Mr. Glave’s allegation that I scheduled a meeting and “blindsided” Mr. Serrano concerning the sexual harassment claim is blatantly false. Mr. Motsick sent the e-mail to Mr. Serrano scheduling the meeting which I was asked to attend. As you know, you and Mr. Glave accompanied Mr. Serrano to that meeting. The intent of the meeting was to determine whether Mr. Ogulnick had made up the allegations or whether Mr. Serrano had in fact raised such concerns. At the meeting, Mr. Serrano was provided a copy of the City’s Policy against Harassment, Discrimination, and Retaliation and an Inappropriate Conduct Complaint Report form. He was also advised he could submit a verbal complaint to Mr. Motsick or his staff. I also clearly advised Mr. Serrano that as a city employee he has rights and that any claim would be fully investigated in accordance with the City’s policy and the law. Rather than confirming or denying Mr. Serrano’s intent to file a claim, you stated Mr. Serrano would not be making a statement at that time. As a result, the City has engaged an independent investigator to look into the matter. To engage in settlement discussions on this topic without more information would be premature.

Mr. Glave alleges Mr. Serrano has been retaliated against because the City Manager sent him a letter asking him to be mindful of City rules and policies that require employees to follow rules and procedures. To be clear: no adverse actions were taken against Mr. Serrano. He was simply advised his behavior as an employee, not a union representative, was not in accordance with expectations. We do not see how that warning letter justifies settlement discussions.

Mr. Glave also claims the City Manager and City Attorney retaliated against Mr. Serrano by “barring” him from talking with the City’s elected officials. This is simply false. According to the City’s elected officials, Mr. Serrano attempts nearly daily contact with City officials through text messages and phone calls. Indeed, just recently, I encouraged an elected

¹ If you prefer to have staff present your request to the City Council in open session, we will make arrangements to do so. Please let us know if you would like us to prepare a staff report on this subject for the next meeting of the City Council on August 17, 2021.

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official to meet with Mr. Serrano after the official told me Mr. Serrano had been calling him from different phone numbers. I told the official that, “leaders of employee unions play an important role in city government so you have to have communication.” To reiterate, there have been no efforts to dissuade or interfere with Mr. Serrano’s rights to communicate with elected officials. The City Manager has asked Mr. Serrano not to contact her directly. Her request is reasonable and appropriate given the pending investigation noted above. To that end, Mr. Serrano has been advised to contact Mr. Motsick who has been both available and responsive.

Finally, Mr. Glave claims the City initiated an unnecessary Internal Affairs investigation against Mr. Serrano based on statements Mr. Serrano made about a former Santa Ana Police Officer Association President who had sued the City. As you know, the City is compelled to investigate all complaints made against its police officers. No adverse action has been taken against Mr. Serrano. As such, we do not see any grounds to justify engaging in settlement discussions.

Importantly, the Notice of Claim filed by Mr. Serrano appears to include specious allegations to mask the real issue: Mr. Serrano’s singular goal to obtain a taxpayer pension in an amount he believes he is entitled to. The City and its elected and appointed officials clearly understand Mr. Serrano’s frustrations based on his expectation that as President of the SAPOA he would receive a “bonus”-for lack of a better word- in the form of a premium “confidentiality pay.” This pay would bump the salary he receives as a sergeant, and that increase in pay, if included in the final pension pay calculation, would result in an increase in pension payments. During conversations between Mr. Serrano and the City’s special legal counsel, we understand that Mr. Serrano has expectations for an increase in his pension by up to \$60,000.00 per year.

To put it plainly, we believe Mr. Serrano’s expectations are unreasonable. When Mr. Serrano became President of the SAPOA, he knew the “confidentiality pay” might not be included in the final calculation of his pension. The MOU between the City and the SAPOA is clear on this point. It states: “*The POA agrees that the acceptance of said compensation as “PERSable” is subject to PERS approval.*” Mr. Serrano was closely involved in the negotiation of the MOU and was well aware of the possibility that CalPERS, not the City or any of its appointed or elected officials, would make the final decision. Mr. Serrano needs to realize that when the “confidentiality pay” was first included in the POA MOU in July 2012, the purpose was to encourage officers to serve the POA. Based on the full-time release of the President, the parties wanted to find a way to compensate officers who might otherwise lose overtime pay opportunities. The confidentiality pay is basically a guaranteed substitute for overtime pay and, as you likely know, overtime pay is not included in final pension calculations, per CalPERS laws. This is the reason the City and the POA acknowledged in writing that at some point, CalPERS might not recognize the “confidentiality pay” as reportable income for purposes of calculating pension pay.

SANTA ANA CITY COUNCIL

Although we can certainly understand Mr. Serrano’s disappointment with CalPERS’ decision, we find his reaction, response and behavior to that decision reprehensible. Specifically, it has been reported to us by appointed and elected officials and members of the public that he wants the City to guarantee him the pension he feels he deserves and if he doesn’t get what he wants, he has threatened to, “burn the place down”, and “make disclosures that will hurt people”, and he has, “a trump card and he will use it if he has to.” All of this after the City took extraordinary measures to explore how to mitigate any negative impact on Mr. Serrano. In the interest of fairness, the City spent countless hours of staff time and tens of thousands of dollars researching the law, reviewing options and negotiating with you and Mr. Serrano. Every alternative offered by the City’s special legal counsel, Peter Brown, was rejected.

Mr. Serrano then asked the City Manager to appoint him as the Deputy City Manager or Human Resources Director so he could increase his pay to an amount that would exceed his current pay as a safety employee so he would receive the pension amount he desires. When the City Manager would not agree to his demands, he contacted current elected officials and former officials with the goal of placing pressure on the City Manager to go back and review whether there was a position at the City that would satisfy his demands. The problem is that even Mr. Serrano’s suggested alternative positions with the City, (City’s Employee Benefits Coordinator for the police department or Homeless Coordinator) has to be at a salary that exceeds what most of the City’s highly educated and experienced department heads are paid. To reiterate, the City Manager would not agree to Mr. Serrano’s demands as it would require her to compromise her professional recommendations to the City Council.

Next, Mr. Serrano advised he wants to receive pension benefits comparable to what past POA Presidents received. Based on CalPERS recent determination and the City’s calculations, it appears Mr. Serrano may receive an annual pension of approximately \$150,000. This amount is comparable to what former POA Presidents receive. According to published information, previous POA Presidents receive the following pensions.

Former POA President Pensions

| | | |
|-------|--|------------|
| 2018: | John Franks 25.76 years of service | \$132,456 |
| 2011: | Joseph Perez 29.13 years of service | \$155,673 |
| 2007: | Mark Nichols 23.79 years of service | \$117, 437 |
| 1999: | Don Blankenship 26.75 years of service | \$86,473 |

We believe the City and Mr. Serrano are at a crossroads. The City has done all it can to accommodate Mr. Serrano, yet Mr. Serrano refuses to budge on his demands and expectations. To put it simply, we believe he is being unreasonable and as a result, is causing great harm to a City and its residents. While serving as POA President, Mr. Serrano received confidentiality pay that significantly increased his salary. According to published information by the State:

SANTA ANA CITY COUNCIL

In 2015, Mr. Serrano's total pay was \$166,688.60 and total pay with benefits was \$261,490.44
In 2016, total pay was \$188,990.05 and total pay with benefits was \$315,887.02
In 2017, total pay was \$233,132.23 and total pay with benefits was \$353,568.88
In 2018, total pay was \$239,014.67 and total pay with benefits was \$345,916.20
In 2019, total pay was \$290,589.43 and total pay with benefits was \$504,846.26

The 2020 information has not yet been published, however, as you can see, Mr. Serrano has realized significant pay increases far beyond those received by other sworn officers in the department. In fact, he received these increases over the past five years while being on full-time release from his duties as a sworn officer.² The City has not been able to track his vacation and sick hours and yet he has earned vacation and sick time that he has cashed out. Simply stated, Mr. Serrano has done nothing more than work for the non-profit Santa Ana Police Officers Association and administer the related Political Action Committee (PAC) on a full time basis and for that he has received generous compensation from the City.

Some might even conclude Mr. Serrano should not receive a public safety, 3% at 50 pension, for any of the time he has served as the leader of the non-profit POA and political POA PAC. In fact, CalPERS has recently taken action which has negatively impacted employees who were found not to be performing public agency work while being compensated by a public agency. It is simply against public policy for an individual to receive a taxpayer-funded, public pension for work that was not performed for a public agency. It may be the reason that less than a handful of cities provide for the full-time release of a police union President.

In conclusion, Mr. Serrano has no justification to blame the City or its officials for CalPERS' decision. Yet Mr. Serrano continues to make outlandish demands the City cannot meet without violating its rules, policies, or even the law. We believe the best course is to abide by whatever decision CalPERS makes on the scheduled appeal because that is what was agreed to when the City and POA reached agreement and signed the POA MOU.

Sincerely,



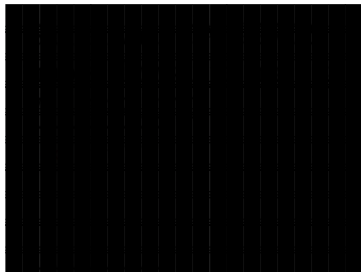
SONIA R. CARVALHO
City Attorney

SRC/sst

² While on full-time release, Mr. Serrano was not expected to, required to, nor did he wear his SAPD uniform, work a 12-hour shift or participate in any training. Further, the City did not have the ability to call him to duty at various times when all of the City's officers were needed to protect the safety of the City and its residents during highly intense and charged protests.

SANTA ANA CITY COUNCIL

Exhibit “F”



From: Gerry Serrano
<gerry.serrano@santaanapoa.com>
Sent: Thursday, August 26, 2021 5:05 AM
To: Motsick, Jason <jmotsick@santa-ana.org>
Subject: FW: Harassment of Employees

Jason,

The working conditions for many are becoming unbearable. This is a recipe for a unfortunate incident happening when you have this type of behavior in a police station frequently occurring with armed personnel... I would hate for some thing bad to happen after several advisements to the city.

Gerry Serrano | President
Santa Ana Police Officers
Association

###

From: Charles Goldwasser
<cgoldwasser@goldwasser-law.com>
Sent: Wednesday, August 25, 2021 2:21 PM
To: Valentin, David <DValentin@santa-ana.org>
Cc: Ridge, Kristine <kridge@santa-ana.org>; Gerry Serrano <gerry.serrano@santaanapoa.com>
Subject: Harassment of Employees

Dear Chief Valentin,

I write on behalf of the Santa Ana
Police Officers Association.

It has come to our attention that some police department employees are harassing other employees while on duty. This harassment is concerning Association business. It has taken the form of verbal pressure as well as physical intimidation. I understand that some of the people suffering this harassment are reluctant to come forward out of fear of further retaliatory harassment. However, I am aware that complaints have been filed for two employees.

We recognize that a certain amount of give and take is part of any organization and that in the past you have understood this and tolerated different factions engaging in sometimes spirited debate (the past election for Association President comes to mind).

However, when the conduct rises to the level that some employees express concern about their ability to work in the environment, it is appropriate for the Department to remind all that intimidation is unacceptable and may lead to disciplinary action. Would you please do so?

Thank you.

Charles Goldwasser

Law Offices of Charles
Goldwasser
A Professional Corporation
15303 Ventura Boulevard
Suite 900
Sherman Oaks, CA 91403
Cell Phone: 323-547-0471

<image001.png>

This email and any files or attachments transmitted with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please advise the sender via reply email and immediately delete the email you received.

Exhibit “G”

COREY WILLIAM GLAVE
ATTORNEY AT LAW
632 S. GERTRUDA AVE
REDONDO BEACH, CALIFORNIA 90277
TELEPHONE (323) 547-0472
E-mail POAattorney@aol.com

August 27, 2021

VIA E-MAIL

Kristine Ridge
City Manager
City of Santa Ana

Jason Motsick
Director of Human Resources
City of Santa Ana.

Request for Immediate Action

Ms. Ridge and Mr. Motsick,

As you are aware, the Santa Ana Police Officers Association, and attorneys retained by the Association to represent its members in matters related to their employment, have made a number of complaints of serious misconduct, including witness intimidation, discrimination and hostile work environment. To date, we have not seen any action by the City of Santa Ana to protect those suffering in this work environment and/or protect those who have shown the strength to stand up and fight for what is right. Chief Valentin is once again trying to intimidate the President of the POA, and a person that is a possible witness in pending administrative investigations.

As you also know, on August 25, 2021, Charles Goldwasser, who serves as General Counsel to the Santa Ana Police Officers Association, wrote Mr. Valentin and Ms. Ridge regarding on-duty harassment and verbal pressure against POA members by at least one on-duty police sergeant. Two members have requested that this office submit written complaints to the City Manager, which we did on their behalf. Since that time, the same sergeant, and another on-duty sergeant have been cornering members to pressure them to sign some form of petition. One member reported that he was pressured for approximately an hour. These acts clearly interfere with these officers' ability (and even the sergeants' ability) to perform their duties. As such, the Santa Ana Police Officers' Association requested that the City of Santa Ana issue a reminder about this type of on-duty conduct taking place at the Police Department.

Mr. Serrano followed-up Mr. Goldwasser's communication with an email to Mr. Motsick acknowledging that his members were reporting their working conditions were becoming unbearable and reminding the City that an unchecked hostile work environment, especially where the employees are armed, could result in a bad situations occurring. One need only read the articles regarding the Acton shooting involving fire personnel to realize how bad things can get if

an employer allows work hostilities to go unchecked. Mr. Serrano, as well as everyone copied herein we presume, would hate for that type of situation to occur at the Police Department.

Now, because Mr. Serrano decided that it was necessary, as the POA President, to reaffirm the seriousness of the issues, Mr. Valentin has placed him on administrative leave and ordered him to appear for a fitness for duty examination. In fact, the FFDE notice specifically references Mr. Serrano's August 26, 2021, 5:05 a.m., email to Mr. Motsick as the sole basis for the FFDE. No one can seriously find that alerting the Human Resource Director of a serious problem gives rise to a FFDE. Once again, Mr. Valentin is simply retaliating against Mr. Serrano and trying to silence him. In fact, Mr. Valentin use of that e-mail as a basis for putting an employee on administrative leave and ordering a FFDE really calls into questions Mr. Valentin's judgment being clouded by his animosity towards the employee and calls into question his own fitness to perform his duties.

Finally, Mr. Valentin, or his underling, specifically ordered Commander Sorenson not to retrieve department issued equipment from Mr. Serrano at the POA, but to order him to report to the police station. As you are aware, the MOU specifically states:

“The Association and the City of Santa Ana agree that the Association's representative will not be required to carry out any peace officer's duties during such time that the Association's representative is on such full-time release from duty. The Association's representative will be required to comply with the Rules and Regulations of the Santa Ana Police Department as they apply to off-duty employees, except such representative will not be required to report for duty for any purpose.

Mr. Valentin is in breach of the MOU by ordering Mr. Serrano to appear for a FFDE and to report to the police station (for any purpose). Moreover, the Police Department FFD policy indicates that its purpose and scope is directly related to the exercise of peace officers powers, but the MOU releases Mr. Serrano from any such exercise. Furthermore, the FFD policy governs on-duty conduct, not off-duty. Therefore, please consider this as a request to immediately initiate the grievance process. As Mr. Valentin is the person implementing the wrongful action, we believe the grievance should be processed to Mr. Valentin's supervisor. This would normally be the City Manager, but she has ordered Mr. Serrano not to have contact with her, and she is already the subject of a sexual harassment investigation and the subject of a tort claim for her retaliation against Mr. Serrano. Therefore, it is either 1) futile to proceed, or 2) we need suggestions on how to process a grievance for the violations of the MOU.

We ask that the City of Santa Ana take all reasonable measures to protect Mr. Serrano and the members of the Santa Ana POA against the hostile work environment and further retaliation, including removing Mr. Serrano from administrative leave and vacating the order to report for duty to take a FFDE. We also request that Mr. Valentin and his underlings, be ordered to refraining from inappropriate contact with and/or harassing of employees.

Ridge/Motsick
August 27, 2021
Page 3

Very truly yours,

/s/ Corey W. Glave

COREY W. GLAVE

cc: Cl.
C. Goldwasser

Exhibit “H”

MAYOR
Vicente Sarmiento
MAYOR PRO TEM
David Penalzo
COUNCILMEMBERS
Phil Bacerra
Johnathan Ryan Hernandez
Jessie Lopez
Nelida Mendoza
Thai Viet Phan



CITY MANAGER
Kristine Ridge
CITY ATTORNEY
Sonia R. Carvalho
CLERK OF THE COUNCIL
Daisy Gomez

CITY OF SANTA ANA

POLICE DEPARTMENT
60 Civic Center Plaza • P.O. Box 1981
Santa Ana, California 92702
www.santa-ana.org/pd

SEPTEMBER 1, 2021

ENTIRE POLICE DEPARTMENT –

It is critical that I provide you truth and clarity on the following issue, which has escalated over nearly 3 years. This is my first and likely only communication to the entire Police Department on this important matter.

I am currently the target of an increasingly intense personal and political attack primarily led by one police employee; centered on false, frivolous, harassing and retaliatory actions and claims. This harassment is focused on the assassination of my good character, leadership and department accomplishments. The extensive unsubstantiated complaints and factually inaccurate allegations and statements violate a myriad of City policies and are a complete distraction to our organization and other City departments, requiring exhaustive staff hours and financial impact in having to respond; none of which serve or benefit our employees or our 340,000 residents. This employee operates with impunity, disregard for any regulation or rule of law; and targets anyone that disagrees with their agenda or demands.

An essential question is why.

As Chief, I lead independently without the mandate to operate beholden to any one compromised individual. I rely on data driven research, the law and defensible, ethical best practices, which guide my decision making. This is also principally about the employee's personal pension dispute. No City staff member can influence or impact this issue. This dispute is between the employee and the California Public Employees' Retirement System (CalPERS).

With your commitment and dedication to serving our community, our Department has been transformed to one of the best in the Nation once again over the last 4 years. We are better staffed, trained and equipped today, than we have been in the past 20 years. We have successfully led at the forefront of a balanced, reimagined policing strategy focused on community based and traditional policing. I do not take lightly the incredible responsibility to serve as your Chief of Police. I have had the great opportunity to successfully lead and transform now two Police Departments. Like many of you, I have dedicated my 31 year career to our Department and City, which has provided so much for all of us.

I have a duty to protect all employees. I will not allow our Department to be subjected to organizational disruption for personal or political gain; based on false and frivolous claims, threats, intimidation, hostile and harassing actions; alleged crimes and corruption. Anyone engaged in this disruptive behavior will be held accountable.

I will continue to do my job in support and service of all the dedicated and selfless employees of our Department, and all the good people of our Santa Ana community - I ask that you do the same.

Respectfully,


DAVID VALENTIN
CHIEF OF POLICE

CC: Mayor, City Council (BCC), City Manager, City Attorney, PLA, FILE

SANTA ANA CITY COUNCIL

Vicente Sarmiento
Mayor
sarmiento@santa-ana.org

David Penalzo
Mayor Pro Tem, Ward 2
dpenalzo@santa-ana.org

Thai Viet Phan
Ward 1
tphan@santa-ana.org

Jessie Lopez
Ward 3
jessielopez@santa-ana.org

Phil Bacerra
Ward 4
pbacerra@santa-ana.org

Johnathan Ryan Hernandez
Ward 5
jryanhernandez@santa-ana.org

Nelida Mendoza
Ward 6
nmendoza@santa-ana.org

Exhibit “I”



SANTA ANA POLICE DEPARTMENT

PRESS RELEASE



DAVID VALENTIN
CHIEF OF POLICE

CONTACT: Sonia Rojo | Public Information Office
(714) 245-8030 • SRojo@santa-ana.org

Santa Ana, CA – September 1, 2021

For several months now, the City of Santa Ana has been aware of the fact the President of the Santa Ana Police Officers Association (SAPOA), Mr. Gerry Serrano, threatened to lead a vote of no-confidence against the Santa Ana Police Chief, David Valentin if he did not get what he wanted from the City. Indeed, Mr. Serrano stated that if he did not get what he wanted, he would “burn the City down” and bring this vote of no-confidence. This vote is his way of, “burning the City down”. Because this directly involves the police department and critically impacts public safety, the public must understand the outcome of this unwarranted vote is a result of the City holding Mr. Serrano, who is currently on paid administrative leave, accountable for his alleged actions, inappropriate influence and intimidation of City staff.

No police chief ever wants to be faced with a vote of no-confidence. It is a serious action meant to address significant deficiencies in the organization or in the Chief’s performance or leadership. That is absolutely not the case here. This vote is not based on actual legitimate reasons. Rather, it is a result of Mr. Serrano furthering his personal and political attack against the Chief.

The Chief, who has dedicated 31 years of his law enforcement career to the City, stated as follows in response to the outcome of this agenda-driven vote, “I will diligently and effectively continue to lead the dedicated women and men of this Department, in service to the 340,000 residents of Santa Ana. This unwarranted vote does not, and will not in any way, distract, disturb or deter me and the members of this Department from effectively delivering public safety services to the needs of the community we have been sworn to serve.”

Santa Ana Mayor Vicente Sarmiento stated, “Although I respect our officers’ opinions, and their right to collectively bargain for wages, benefits and workplace conditions, only the City Manager has the responsibility to decide who fills this essential public safety role. Police Chief Valentin has my full support and confidence. The community should rest assured that our police department will continue to operate professionally and ethically despite distractions that stem from a personal, rather than structural, problem.”

City Manager Kristine Ridge stated, “The Police Officers Association’s vote today is hardly an overwhelming display of opposition to Chief Valentin, but it is a sad day for the POA membership. It’s disappointing that the POA president’s desire for personal financial gain and use of misinformation have led to a vote that is not in the best interest of our police officers. I’m confident that in the future, the truth about these misstatements will come out. Furthermore, this vote is a union process that doesn’t result in any action by the City. I have complete faith in Chief Valentin’s leadership. I hope that we can move forward, heal the Santa Ana Police Department and focus on serving the residents of Santa Ana.”

Connect with us:



60 Civic Center Plaza Santa Ana, California, 92701
www.santa-ana.org/pd • (714) 245-8665

Exhibit “J”

COREY WILLIAM GLAVE
ATTORNEY AT LAW
632 S. GERTRUDA AVE
REDONDO BEACH, CALIFORNIA 90277
TELEPHONE (323) 547-0472
E-mail POAattorney@aol.com

January 5, 2022

VIA FIRST CLASS MAIL
AND E-MAIL

Todd Spitzer
District Attorney
County of Orange
300 N. Flower Street
Santa Ana, CA 92703

Request for Criminal Investigation: David Valentin

District Attorney Spitzer,

This office serves as privately retained legal counsel for the Santa Ana Police Officers Association. We have been requested to forward the following request for a criminal investigation to be conducted by the Orange County District Attorney's office into allegations of potentially criminal actions by David Valentin, the Chief of Police for the City of Santa Ana.

It has come to our's and the POA's attention that Chief Valentin may have violated and/or attempted to violate Invasion of Privacy laws by having electronic communications (e-mails) from Santa Ana Police Officers Association President Gerry Serrano and members of the Santa Ana City Council diverted to his office, evidently for personal use. Penal Code §631(a) includes within its provisions that anyone who reads, attempts to read, or learn the contents of any message, report or communication is guilty of a misdemeanor. Penal Code §664, as you are aware, makes it a criminal act to even attempt to commit the above criminal act.

As shown by the e-mail communications attached to this letter, Chief Valentin conspired with his IT professional to obtain copies of e-mail communications from members of the Santa Ana City Council and POA President Gerry Serrano. The e-mails show, starting in November 2019, Chief Valentin used IT personnel for the City of Santa Ana to obtained copies of all email communications between Valentin and Councilman Solorio for a two and a half year time period. Having been successful in obtaining the records, Valentin then expanded his seizure of e-mails to include other council members and "all email communication between Councilmember Jose Solorio and POA President Gerry Serrano (from both Serrano's work and POA email addresses). Valentin, emboldened by his success, then requested that all Serrano's emails with City Councilperson Solario be forwarded to Chief Valentin on a continuous basis moving forward. Valentin also involved his executive assistant and two IT personnel; thus, possibly misusing public funds for his private endeavors.

Todd Spitzer
January 5, 2022
Page 2

Finally, as the POA President is also employed as a sworn police officer holding the rank of Sergeant with the Santa Ana Police Department, the search of his e-mail storage system by Chief Valentin could violate Government Code §3309 which prohibits the Police Department and/or its representatives from searching an officer's space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. Government Code section 1222, provides, "Every willful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor." (See *Towner v. County of Ventura* (2021) 63 Cal.App.5th 761). Therefore, by Valentin ordering the search of a storage system (e-mails) in violations of Government Code §3309, Valentin potentially conspired and did commit a misdemeanor.

Because of the possible criminal implications, and given that the City of Santa Ana/City Manager has been refusing to fully and properly investigate allegations of misconduct against Chief Valentin and his administration, we are requesting that the Orange County District Attorney's office investigate these areas of concern.

Very truly yours,

/s/ Corey W. Glave

COREY W. GLAVE

cc: S.A.P.O.A.

Ciulla, Jack

From: Kim, Daniel
Sent: Thursday, November 14, 2019 3:06 PM
To: Ciulla, Jack
Subject: Chief Valentin's Emails

Hello Jack,

I exported out all emails between Chief Valentin and the Councilman Solorio since June of 2017 to a PST file. There were 1,685 emails. Do you want me to copy the PST file to Chief Valentin's user home folder on PD's file server so he can copy it to his computer? I don't have any USB drives that I can copy this to. I used to have one but someone borrowed it and never returned it. Please let me know what you want me to do with the PST file.

Regards,

Ciulla, Jack

From: Kim, Daniel
Sent: Thursday, November 14, 2019 3:17 PM
To: Ciulla, Jack
Subject: FW: Chief Valentin's Emails

Jack,

I copied this PST file to Chief Valentin's user home folder, under My Documents\PST folder. The name of this PST file is DavidValentin.pst.

From: Kim, Daniel
Sent: Thursday, November 14, 2019 3:06 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: Chief Valentin's Emails

Hello Jack,

I exported out all emails between Chief Valentin and the Councilman Solorio since June of 2017 to a PST file. There were 1,685 emails. Do you want me to copy the PST file to Chief Valentin's user home folder on PD's file server so he can copy it to his computer? I don't have any USB drives that I can copy this to. I used to have one but someone borrowed it and never returned it. Please let me know what you want me to do with the PST file.

Regards,

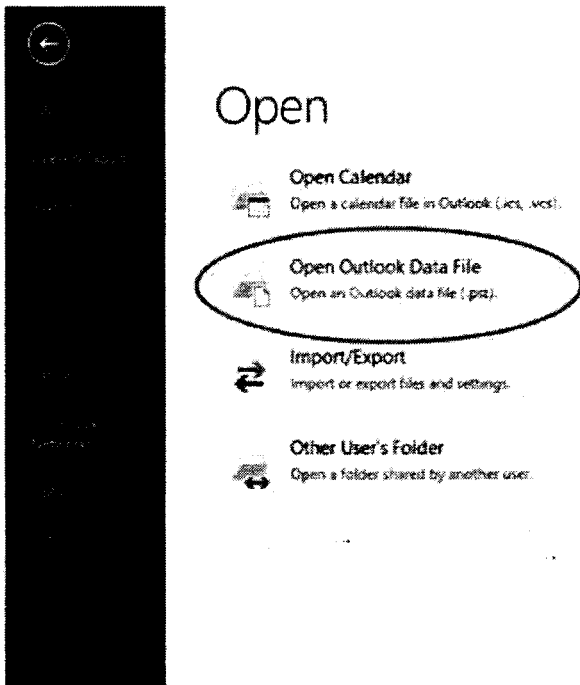
Ciulla, Jack

From: Ciulla, Jack
Sent: Thursday, November 14, 2019 3:23 PM
To: Valentin, David
Subject: FW: Chief Valentin's Emails

Chief,

The file you requested has been put into your personal network folder. The location is listed below.

You can open it from Outlook by selecting "File" menu item and then "Open Outlook Data File."



Let me know if this is acceptable.

Thanks,
Jack

From: Kim, Daniel
Sent: Thursday, November 14, 2019 3:17 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: FW: Chief Valentin's Emails

Jack,

I copied this PST file to Chief Valentin's user home folder, under My Documents\PST folder. The name of this PST file is DavidValentin.pst.

From: Kim, Daniel
Sent: Thursday, November 14, 2019 3:06 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: Chief Valentin's Emails

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Regards,

Ciulla, Jack

From: Plotnik, Elizabeth
Sent: Thursday, January 9, 2020 4:08 PM
To: Ciulla, Jack
Cc: Valentin, David
Subject: Chief Valentin's Emails

Good Afternoon Jack,

As discussed yesterday afternoon, on Chief Valentin's behalf, can you please export a copy of the following:

*All **SENT** emails from Chief Valentin to the Entire City Council (not emails sent to individual Councilmembers). In the Chief's emails, he lists each Councilmember's email address separately as a BCC and does not use the "Council" email group.

Time Frame: Starting June 1, 2017 – continuously, moving forward

***ALL** email communication between Chief Valentin and Councilmember Jose Solorio

Time Frame: Starting June 1, 2017 – continuously, moving forward

***ALL** email communication between Chief Valentin and Councilmember David Penaloza

Time Frame: Starting October 1, 2019 – continuously, moving forward

***ALL** email communication between Councilmember Jose Solorio and POA President Gerry Serrano. Gerry Serrano uses 2 email addresses: gserrano@santa-ana.org and gerry.serrano@santaanapoa.com

Time Frame: Starting June 1, 2017 – continuously, moving forward

Please let me know if any additional information is needed. Thank you Sir.

ELIZABETH PLOTNIK

EXECUTIVE ASSISTANT TO CHIEF VALENTIN

Office of the Chief of Police | Santa Ana Police Department

Eplotnik@santa-ana.org | (714) 245-8003



###

Ciulla, Jack

From: Ciulla, Jack
Sent: Tuesday, January 14, 2020 1:48 PM
To: Plotnik, Elizabeth
Subject: RE: Chief Valentin's Emails

Elizabeth,

Call me when you get a chance. I have some questions.

Jack

From: Plotnik, Elizabeth
Sent: Thursday, January 9, 2020 4:08 PM
To: Ciulla, Jack <Jciulla@santa-ana.org>
Cc: Valentin, David <DValentin@santa-ana.org>
Subject: Chief Valentin's Emails

Good Afternoon Jack,

As discussed yesterday afternoon, on Chief Valentin's behalf, can you please export a copy of the following:

*All **SENT** emails from Chief Valentin to the Entire City Council (not emails sent to individual Councilmembers). In the Chief's emails, he lists each Councilmember's email address separately as a BCC and does not use the "Council" email group.

Time Frame: Starting June 1, 2017 – continuously, moving forward

***ALL** email communication between Chief Valentin and Councilmember Jose Solorio

Time Frame: Starting June 1, 2017 – continuously, moving forward

***ALL** email communication between Chief Valentin and Councilmember David Penaloza

Time Frame: Starting October 1, 2019 – continuously, moving forward

***ALL** email communication between Councilmember Jose Solorio and POA President Gerry Serrano. Gerry Serrano uses 2 email addresses: gserrano@santa-ana.org and gerry.serrano@santaanapoa.com

Time Frame: Starting June 1, 2017 – continuously, moving forward

Please let me know if any additional information is needed. Thank you Sir.

ELIZABETH PLOTNIK

EXECUTIVE ASSISTANT TO CHIEF VALENTIN
Office of the Chief of Police | Santa Ana Police Department
Eplotnik@santa-ana.org | (714) 245-8003



###

Ciulla, Jack

From: Plotnik, Elizabeth
Sent: Wednesday, January 15, 2020 9:33 AM
To: Ciulla, Jack
Cc: Valentin, David
Subject: Chief Valentin's Emails

Good Morning Jack,

As discussed yesterday afternoon, on Chief Valentin's behalf, can you please export a copy of the following:

*All **SENT** emails from Chief Valentin to the Entire City Council (not emails sent to individual Councilmembers). In the Chief's emails, he lists each Councilmember's email address separately as a BCC and does not use the "Council" email group.
Time Frame: Starting June 1, 2017 – January 15, 2020

***ALL** email communication between Chief Valentin and Councilmember Jose Solorio
Time Frame: Starting June 1, 2017 – January 15, 2020

***ALL** email communication between Chief Valentin and Councilmember David Penaloza
Time Frame: Starting October 1, 2019 – January 15, 2020

***ALL** email communication between Chief Valentin and POA President Gerry Serrano. Gerry Serrano uses 2 email addresses:
gserrano@santa-ana.org and gerry.serrano@santaanapoa.com
Time Frame: Starting June 20, 2017 – January 15, 2020

Please let me know if any additional information is needed. Thank you Sir.

ELIZABETH PLOTNIK

EXECUTIVE ASSISTANT TO CHIEF VALENTIN
Office of the Chief of Police | Santa Ana Police Department
Eplotnik@santa-ana.org | (714) 245-8003



###

Ciulla, Jack

From: Ciulla, Jack
Sent: Wednesday, January 15, 2020 9:34 AM
To: Plotnik, Elizabeth
Cc: Valentin, David
Subject: RE: Chief Valentin's Emails

Will do.

From: Plotnik, Elizabeth
Sent: Wednesday, January 15, 2020 9:33 AM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Cc: Valentin, David <DValentin@santa-ana.org>
Subject: Chief Valentin's Emails

Good Morning Jack,

As discussed yesterday afternoon, on Chief Valentin's behalf, can you please export a copy of the following:

*All **SENT** emails from Chief Valentin to the Entire City Council (not emails sent to individual Councilmembers). In the Chief's emails, he lists each Councilmember's email address separately as a BCC and does not use the "Council" email group.

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Time Frame: Starting October 1, 2019 – January 15, 2020

***ALL** email communication between Chief Valentin and POA President Gerry Serrano. Gerry Serrano uses 2 email addresses:

gserrano@santa-ana.org and gerry.serrano@santaanapoa.com

Time Frame: Starting June 20, 2017 – January 15, 2020

Please let me know if any additional information is needed. Thank you Sir.

ELIZABETH PLOTNIK

EXECUTIVE ASSISTANT TO CHIEF VALENTIN
Office of the Chief of Police | Santa Ana Police Department
Eplotnik@santa-ana.org | (714) 245-8003



###

Ciulla, Jack

From: Ciulla, Jack
Sent: Wednesday, January 15, 2020 9:35 AM
To: Kim, Daniel
Subject: FW: Chief Valentin's Emails

Daniel,

Could you extract these emails into a PST?

Thanks,
Jack

From: Plotnik, Elizabeth
Sent: Wednesday, January 15, 2020 9:33 AM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Cc: Valentin, David <DValentin@santa-ana.org>
Subject: Chief Valentin's Emails

Good Morning Jack,

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Time Frame: Starting October 1, 2019 – January 15, 2020

***ALL** email communication between Chief Valentin and POA President Gerry Serrano. Gerry Serrano uses 2 email addresses:
gserrano@santa-ana.org and gerry.serrano@santaanapoa.com
Time Frame: Starting June 20, 2017 – January 15, 2020

Please let me know if any additional information is needed. Thank you Sir.

ELIZABETH PLOTNIK
EXECUTIVE ASSISTANT TO CHIEF VALENTIN
Office of the Chief of Police | Santa Ana Police Department
Eplotnik@santa-ana.org | (714) 245-8003



###

Ciulla, Jack

From: Kim, Daniel
Sent: Wednesday, January 15, 2020 10:06 AM
To: Ciulla, Jack
Subject: RE: Chief Valentin's Emails

Will do. Should I just put this PST in Chief Valentin's user home folder?

From: Ciulla, Jack
Sent: Wednesday, January 15, 2020 9:35 AM
To: Kim, Daniel <DKim@santa-ana.org>
Subject: FW: Chief Valentin's Emails

Daniel,

Could you extract these emails into a PST?

Thanks,
Jack

From: Plotnik, Elizabeth
Sent: Wednesday, January 15, 2020 9:33 AM
To: Ciulla, Jack <Jciulla@santa-ana.org>
Cc: Valentin, David <DValentin@santa-ana.org>
Subject: Chief Valentin's Emails

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gserrano@santa-ana.org and gerry.serrano@santaanapoa.com

Time Frame: Starting June 20, 2017 – January 15, 2020

Please let me know if any additional information is needed. Thank you Sir.

ELIZABETH PLOTNIK

EXECUTIVE ASSISTANT TO CHIEF VALENTIN
Office of the Chief of Police | Santa Ana Police Department
Eplotnik@santa-ana.org | (714) 245-8003



2020
CENSUS
SANTA ANA COUNTS

###

Ciulla, Jack

From: Ciulla, Jack
Sent: Wednesday, January 15, 2020 11:16 AM
To: Kim, Daniel
Subject: Re: Chief Valentin's Emails
Attachments: image001.jpg; image002.jpg

Yes. Let me know when it is done and move there.

Sent from my iPad

On Jan 15, 2020, at 10:06 AM, Kim, Daniel <DKim@santa-ana.org> wrote:

Will do. Should I just put this PST in Chief Valentin's user home folder?

From: Ciulla, Jack
Sent: Wednesday, January 15, 2020 9:35 AM
To: Kim, Daniel <DKim@santa-ana.org>
Subject: FW: Chief Valentin's Emails

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Jack

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Sent: Wednesday, January 15, 2020 9:33 AM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Cc: Valentin, David <DValentin@santa-ana.org>
Subject: Chief Valentin's Emails

Good Morning Jack,

As discussed yesterday afternoon, on Chief Valentin's behalf, can you please export a copy of the following:

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Time Frame: Starting June 1, 2017 – January 15, 2020

***ALL** email communication between Chief Valentin and Councilmember Jose Solorio

Time Frame: Starting June 1, 2017 – January 15, 2020

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Time Frame: Starting October 1, 2019 – January 15, 2020

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Time Frame: Starting June 20, 2017 – January 15, 2020

Please let me know if any additional information is needed. Thank you Sir.

ELIZABETH PLOTNIK

EXECUTIVE ASSISTANT TO CHIEF VALENTIN

Office of the Chief of Police | Santa Ana Police Department

Eplotnik@santa-ana.org | (714) 245-8003

<image001.jpg>

<image002.jpg>

###

Ciulla, Jack

From: Kim, Daniel
Sent: Wednesday, January 15, 2020 4:59 PM
To: Ciulla, Jack
Subject: RE: Chief Valentin's Emails

Jack,

Update on this. The first portion of this request asked all emails between the Chief and the entire City Council. However, Elizabeth stated that the Chief used City Council's individual email addresses to send out these emails. Since June 1st, 2017 (which is the start date of this request), there has been some changes in the City Council. I called Elizabeth for verification on this and she told me she will send the list of email addresses for this. I am waiting for her email. The rest of the request are all finished and PST files are sitting in the archiver to be downloaded. Once I get the email from Elizabeth, I will complete the request and download the PST files to the Chief's user home folder.

Regards,

From: Ciulla, Jack
Sent: Wednesday, January 15, 2020 9:35 AM
To: Kim, Daniel <DKim@santa-ana.org>
Subject: FW: Chief Valentin's Emails

Daniel,

Could you extract these emails into a PST?

Thanks,
Jack

From: Plotnik, Elizabeth
Sent: Wednesday, January 15, 2020 9:33 AM
To: Ciulla, Jack <JCiulla@santa-ana.org>
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Office of the Chief of Police | Santa Ana Police Department

Eplotnik@santa-ana.org | (714) 245-8003



###

Ciulla, Jack

From: Ciulla, Jack
Sent: Wednesday, January 15, 2020 5:01 PM
To: Kim, Daniel
Subject: RE: Chief Valentin's Emails

Great. Thanks!

From: Kim, Daniel
Sent: Wednesday, January 15, 2020 4:59 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: RE: Chief Valentin's Emails

Jack,

Update on this. The first portion of this request asked all emails between the Chief and the entire City Council. However, Elizabeth stated that the Chief used City Council's individual email addresses to send out these emails. Since June 1st, 2017 (which is the start date of this request), there has been some changes in the City Council. I called Elizabeth for verification on this and she told me she will send the list of email addresses for this. I am waiting for her email. The rest of the request are all finished and PST files are sitting in the archiver to be downloaded. Once I get the email from Elizabeth, I will complete the request and download the PST files to the Chief's user home folder.

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Office of the Chief of Police | Santa Ana Police Department

Eplotnik@santa-ana.org | (714) 245-8003



###

Plotnik, Elizabeth

From: Plotnik, Elizabeth
Sent: Monday, November 18, 2019 8:10 AM
To: Valentin, David
Subject: RE: Chief Valentin's Emails

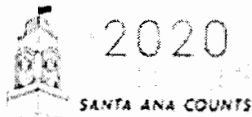
Yes Sir! I have a brand new thumb drive we can use to save all the emails found.

Thank you.

Respectfully,

ELIZABETH PLOTNIK

EXECUTIVE ASSISTANT TO CHIEF VALENTIN
Office of the Chief of Police | Santa Ana Police Department
Eplotnik@santa-ana.org | (714) 245-8003



###

From: Valentin, David
Sent: Monday, November 18, 2019 5:28 AM
To: Plotnik, Elizabeth <EPlotnik@santa-ana.org>
Subject: Fwd: Chief Valentin's Emails

Please follow up and ensure this gets done.

Thank you.

DAVID VALENTIN
CHIEF OF POLICE
Santa Ana Police Department

###

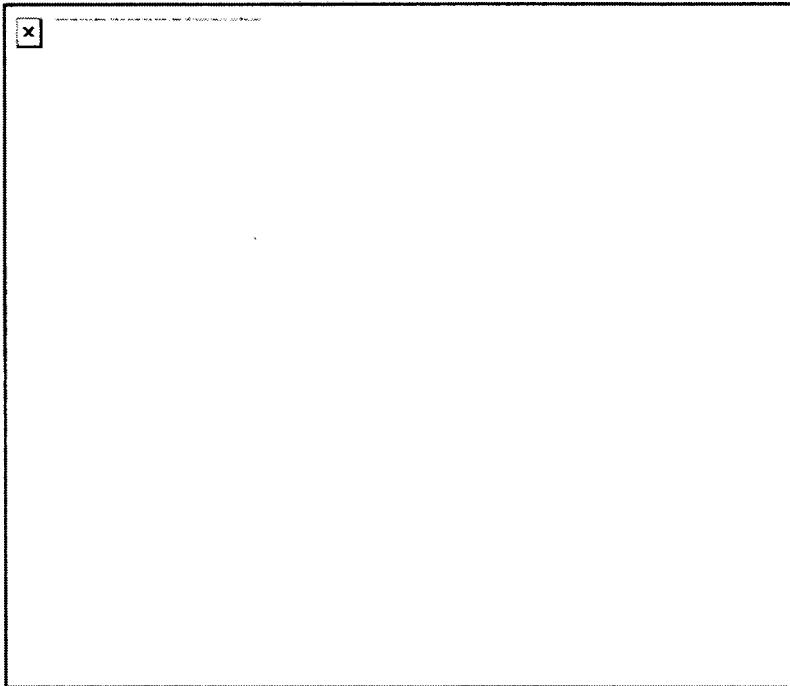
Begin forwarded message:

From: "Ciulla, Jack" <Jciulla@santa-ana.org>
Date: November 14, 2019 at 3:23:09 PM PST
To: "Valentin, David" <DValentin@santa-ana.org>
Subject: FW: Chief Valentin's Emails

Chief,

The file you requested has been put into your personal network folder. The location is listed below.

You can open it from Outlook by selecting "File" menu item and then "Open Outlook Data File."



Let me know if this is acceptable.

Thanks,
Jack

From: Kim, Daniel
Sent: Thursday, November 14, 2019 3:17 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: FW: Chief Valentin's Emails

Jack,

I copied this PST file to Chief Valentin's user home folder, under My Documents\PST folder. The name of this PST file is DavidValentin.pst.

From: Kim, Daniel
Sent: Thursday, November 14, 2019 3:06 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: Chief Valentin's Emails

Hello Jack,

I exported out all emails between Chief Valentin and the Councilman Solorio since June of 2017 to a PST file. There were 1,685 emails. Do you want me to copy the PST file to Chief Valentin's user home folder on PD's file server so he can copy it to his computer? I don't have any USB drives that I can copy this to. I used to have one but someone borrowed it and never returned it. Please let me know what you want me to do with the PST file.

Regards,

Plotnik, Elizabeth

From: Valentin, David
Sent: Monday, November 18, 2019 5:28 AM
To: Plotnik, Elizabeth
Subject: Fwd: Chief Valentin's Emails
Attachments: image002.jpg

Please follow up and ensure this gets done.

Thank you.

DAVID VALENTIN
CHIEF OF POLICE
Santa Ana Police Department

###

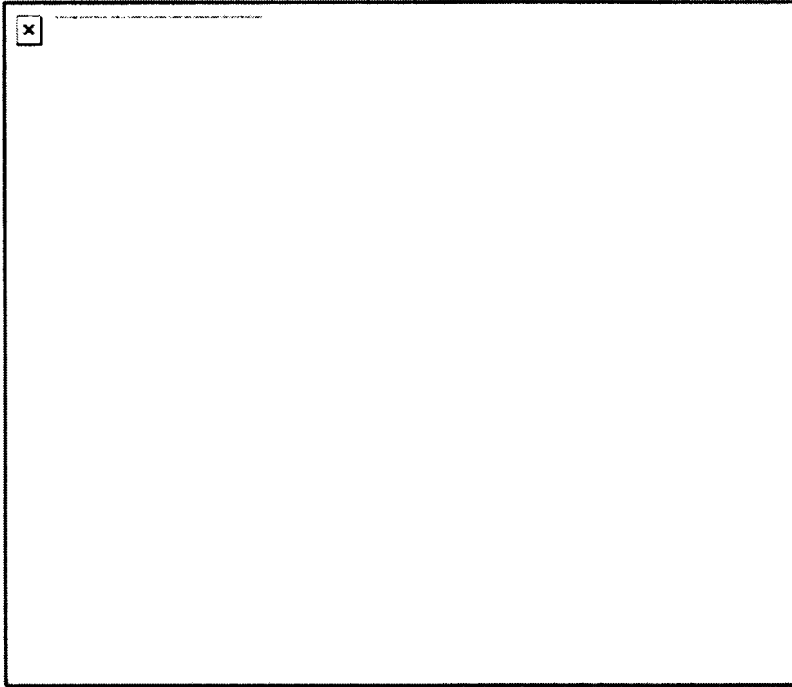
Begin forwarded message:

From: "Ciulla, Jack" <JCiulla@santa-ana.org>
Date: November 14, 2019 at 3:23:09 PM PST
To: "Valentin, David" <DValentin@santa-ana.org>
Subject: FW: Chief Valentin's Emails

Chief,

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You can open it from Outlook by selecting "File" menu item and then "Open Outlook Data File."



Let me know if this is acceptable.

Thanks,
Jack

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Sent: Thursday, November 14, 2019 3:17 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: FW: Chief Valentin's Emails

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Regards,

Plotnik, Elizabeth

From: Plotnik, Elizabeth
Sent: Thursday, December 19, 2019 4:54 PM
To: Ciulla, Jack
Cc: Valentin, David
Subject: Emails

Good Afternoon Jack,

On behalf of Chief Valentin, can you please export a copy of the following emails (the same way as produced before) starting from June 2017 to December 31, 2019:

- *all sent emails from Chief Valentin to the Entire City Council as a whole (not emails sent to individual Councilmembers).
- *all email communication with Councilmember Solorio

Thank you Sir.

Respectfully,

ELIZABETH PLOTNIK
EXECUTIVE ASSISTANT TO CHIEF VALENTIN
Office of the Chief of Police | Santa Ana Police Department
Eplotnik@santa-ana.org | (714) 245-8003



###

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Dec 19, 2019, at 4:54 PM, Plotnik, Elizabeth <EPlotnik@santa-ana.org> wrote:

Good Afternoon Jack,

On behalf of Chief Valentin, can you please export a copy of the following emails (the same way as produced before) starting from June 2017 to December 31, 2019:

*all sent emails from Chief Valentin to the Entire City Council as a whole (not emails sent to individual Councilmembers).

*all email communication with Councilmember Solorio

Thank you Sir.

Respectfully,

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Office of the Chief of Police | Santa Ana Police Department
Eplotnik@santa-ana.org | (714) 245-8003
<image001.jpg><image002.jpg>
###

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<image001.jpg><image002.jpg>

###

Ciulla, Jack

From: Ciulla, Jack
Sent: Tuesday, January 21, 2020 8:23 PM
To: Kim, Daniel
Subject: Re: Chief Valentin's Emails
Attachments: image001.jpg; image002.jpg

Was this ever completed?

Sent from my iPhone

On Jan 15, 2020, at 4:58 PM, Kim, Daniel <DKim@santa-ana.org> wrote:

Jack,

Update on this. The first portion of this request asked all emails between the Chief and the entire City Council. However, Elizabeth stated that the Chief used City Council's individual email addresses to send out these emails. Since June 1st, 2017 (which is the start date of this request), there has been some changes in the City Council. I called Elizabeth for verification on this and she told me she will send the list of email addresses for this. I am waiting for her email. The rest of the request are all finished and PST files are sitting in the archiver to be downloaded. Once I get the email from Elizabeth, I will complete the request and download the PST files to the Chief's user home folder.

Regards,

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Daniel,

Could you extract these emails into a PST?

Thanks,
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From: Plotnik, Elizabeth
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<image001.jpg>

<image002.jpg>

###

Ciulla, Jack

From: Kim, Daniel
Sent: Wednesday, January 22, 2020 8:30 AM
To: Ciulla, Jack
Subject: RE: Chief Valentin's Emails

No, I'm still waiting for the email address list for the old and new council members that the Chief want the emails pulled for.

From: Ciulla, Jack
Sent: Tuesday, January 21, 2020 8:23 PM
To: Kim, Daniel <DKim@santa-ana.org>
Subject: Re: Chief Valentin's Emails

Was this ever completed?

Sent from my iPhone

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<image001.jpg>

<image002.jpg>

###

Ciulla, Jack

From: Kim, Daniel
Sent: Monday, January 27, 2020 2:22 PM
To: Ciulla, Jack
Subject: RE: Chief Valentin's Emails

Hello Jack,

I finally received the email list from Elizabeth today. This request is now completed and I copied PST files to Chief Valentin's user home folder. Elizabeth has been notified.

Regards,

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Sent: Tuesday, January 21, 2020 8:23 PM
To: Kim, Daniel <DKim@santa-ana.org>
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<image001.jpg>
<image002.jpg>

###

Ciulla, Jack

From: Ciulla, Jack
Sent: Monday, January 27, 2020 2:22 PM
To: Kim, Daniel
Subject: RE: Chief Valentin's Emails

Thanks, Daniel!

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To: Ciulla, Jack <JCiulla@santa-ana.org>
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<image001.jpg>
<image002.jpg>

###

Ciulla, Jack

From: Ciulla, Jack
Sent: Monday, January 27, 2020 2:29 PM
To: Valentin, David
Subject: FW: Chief Valentin's Emails

Chief,

This is completed. If you need assistance getting the file attached to your Outlook so that you can keep future emails, I'd be happy to come over and help you out. Or I can walk you through it over the phone.

Thanks,
Jack

From: Kim, Daniel
Sent: Monday, January 27, 2020 2:22 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: RE: Chief Valentin's Emails

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<image001.jpg>
<image002.jpg>

###

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Sent: Monday, January 27, 2020 2:30 PM
To: Kim, Daniel
Subject: RE: Chief Valentin's Emails

BTW, what did you name the file? In case he asks.

From: Kim, Daniel
Sent: Monday, January 27, 2020 2:22 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: RE: Chief Valentin's Emails

Hello Jack,

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Regards,

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Subject: Re: Chief Valentin's Emails

Was this ever completed?

Sent from my iPhone

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Daniel,

Could you extract these emails into a PST?

Thanks,
Jack

From: Plotnik, Elizabeth
Sent: Wednesday, January 15, 2020 9:33 AM
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Cc: Valentin, David <DValentin@santa-ana.org>
Subject: Chief Valentin's Emails

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***ALL** email communication between Chief Valentin and Councilmember Jose Solorio

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Time Frame: Starting June 20, 2017 – January 15, 2020

Please let me know if any additional information is needed. Thank you Sir.

ELIZABETH PLOTNIK

EXECUTIVE ASSISTANT TO CHIEF VALENTIN

Office of the Chief of Police | Santa Ana Police Department

Eplotnik@santa-ana.org | (714) 245-8003

<image001.jpg>

<image002.jpg>

###

Ciulla, Jack

From: Kim, Daniel
Sent: Monday, January 27, 2020 2:30 PM
To: Ciulla, Jack
Subject: RE: Chief Valentin's Emails
Attachments: RE: Council Member Email Addresses

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Time Frame: Starting June 20, 2017 – January 15, 2020

Please let me know if any additional information is needed. Thank you Sir.

ELIZABETH PLOTNIK

EXECUTIVE ASSISTANT TO CHIEF VALENTIN
Office of the Chief of Police | Santa Ana Police Department

Eplotnik@santa-ana.org | (714) 245-8003

<image001.jpg>

<image002.jpg>

###

Ciulla, Jack

From: Kim, Daniel
Sent: Monday, January 27, 2020 2:20 PM
To: Plotnik, Elizabeth
Subject: RE: Council Member Email Addresses

Hello Elizabeth,

I've completed the search and exported these emails to PST files as below:

ToCouncilMember.pst – 801 emails
JoseSolorio.pst – 1859 emails
DavidPenaloza.pst – 203 emails
GerrySerrano.pst – 9,116 emails

I copied these PST files to My Documents\PST folder in Chief Valentin's user home folder. Please refer to How_To_Open_Email_Archiver_PST.docx in the same folder to open these PST files from your own Outlook.

Regards,

From: Plotnik, Elizabeth
Sent: Monday, January 27, 2020 9:37 AM
To: Kim, Daniel <DKim@santa-ana.org>
Subject: RE: Council Member Email Addresses

Good Morning Daniel,

I apologize for the delay, as I needed to confirm with the Chief exactly what email addresses were used. Please see below:

Mayor Pulido: mpulido@santa-ana.org
MPT Villegas: jvillegas@santa-ana.org
Penaloza: dpenaloza@santa-ana.org
Sarmiento: vsarmiento@santa-ana.org
Cecilia Iglesias: ciglesias@santa-ana.org
Solorio: jsolorio@santa-ana.org
Bacerra: pbacerra@santa-ana.org

(Former Council Members)

Michele Martinez: councilwomanmartinez@gmail.com
Sal Tinajero: stinajero@santa-ana.org
David Benavides: dbenavides@santa-ana.org

Thank you SO much.

ELIZABETH PLOTNIK
EXECUTIVE ASSISTANT TO CHIEF VALENTIN
Office of the Chief of Police | Santa Ana Police Department
Eplotnik@santa-ana.org | (714) 245-8003



###

From: Kim, Daniel <DKim@santa-ana.org>
Sent: Sunday, January 26, 2020 6:54 PM
To: Plotnik, Elizabeth <EPlotnik@santa-ana.org>
Subject: FW: Council Member Email Addresses

Hello Elizabeth,

This is a friendly reminder that I'm still waiting for the email list of past/present council members from you so I can extract emails for the Chief Valentin. Please let me know if you need any help with this.

Regards,

From: Kim, Daniel
Sent: Thursday, January 16, 2020 2:11 PM
To: Plotnik, Elizabeth <EPlotnik@santa-ana.org>
Subject: Council Member Email Addresses

Hello Elizabeth,

I am still waiting for you to send me the list of the City Council members' email addresses for searching the email archivers for Chief Valentin's emails. Please let me know if you have any questions.

Regards,

Daniel Kim
IT Consultant
City of Santa Ana
714-647-5457

Ciulla, Jack

From: Ciulla, Jack
Sent: Monday, January 27, 2020 2:31 PM
To: Kim, Daniel
Subject: RE: Chief Valentin's Emails

Thanks!

From: Kim, Daniel
Sent: Monday, January 27, 2020 2:30 PM
To: Ciulla, Jack <JCiulla@santa-ana.org>
Subject: RE: Chief Valentin's Emails

Here is the email that I sent to Elizabeth.

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BTW, what did you name the file? In case he asks.

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Eplotnik@santa-ana.org | (714) 245-8003
<image001.jpg>
<image002.jpg>

###

Plotnik, Elizabeth

From: Plotnik, Elizabeth
Sent: Monday, January 27, 2020 2:36 PM
To: Kim, Daniel
Subject: RE: Council Member Email Addresses

Thank you Daniel!

ELIZABETH PLOTNIK
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IT Consultant
City of Santa Ana

Ciulla, Jack

From: Valentin, David
Sent: Monday, January 27, 2020 4:32 PM
To: Ciulla, Jack
Cc: Plotnik, Elizabeth
Subject: Re: Chief Valentin's Emails

Copied and thank you, Jack.

DAVID VALENTIN
CHIEF OF POLICE
Santa Ana Police Department

###

On Jan 27, 2020, at 2:29 PM, Ciulla, Jack <J_Ciulla@santa-ana.org> wrote:

Chief,

This is completed. If you need assistance getting the file attached to your Outlook so that you can keep future emails, I'd be happy to come over and help you out. Or I can walk you through it over the phone.

Thanks,
Jack

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###

PROOF OF SERVICE

**Santa Ana Police Officers Association v. City of Santa Ana, et. al.
Orange County Superior Court, Case No. 30-2021-01230129-CU-OE-CJC**

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 18300 Von Karman Avenue, Suite 900, Irvine, CA 92612.

On February 22, 2022, I served true copies of the following document(s) described as:

DECLARATION OF DEFENDANT DAVID VALENTIN IN SUPPORT OF NOTICE OF MOTION AND SPECIAL MOTION TO STRIKE PUSURANT TO CODE OF CIVIL PROCEDURE § 425.16

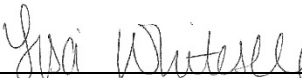
I served the documents on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address lwhitesell@everettdorey.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 22, 2022, at Irvine, California.



Lisa Whitesell

EVERETT DOREY LLP
Attorneys at Law
18300 VON KARMAN AVENUE, SUITE 900
IRVINE, CALIFORNIA 92612
TELEPHONE 949-771-9233 *FAX 949-377-3110

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SERVICE LIST

Santa Ana Police Officers Association v. City of Santa Ana, et. al.
Orange County Superior Court, Case No. 30-2021-01230129-CU-OE-CJC

Corey W. Glave, Esq.
632 S. Gertruda Ave.
Redondo Beach, CA 90277
T: (323) 547-0472
POAattorney@aol.com

Attorney for Plaintiffs,
SANTA ANA POLICE OFFICERS
ASSOCIATION and GERRY SERRANO

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Andrea L. Steffan, Esq.
633 W. 5th Street, Suite 4000
Los Angeles, CA 90071
T: 213-250-1800 / F: 213-250-7900
Jeffrey.Ranen@lewisbrisbois.com
Soojin.Kang@lewisbrisbois.com
Andrea.Steffan@lewisbrisbois.com

Attorney for Defendants,
CITY OF SANTA ANA, non-jural entity,
SANTA ANA POLICE DEPARTMENT,
KRISTINE RIDGE, SONIA CARVALHO, and
JASON MOTSICK

EVERETT DOREY LLP
Attorneys at Law
18300 VON KARMAN AVENUE, SUITE 900
IRVINE, CALIFORNIA 92612
TELEPHONE 949-771-9233 *FAX 949-377-3110