

EXHIBIT 40

BEFORE THE CIVIL SERVICE COMMISSION
OF THE COUNTY OF LOS ANGELES
JOSEPH SCULLY, HEARING OFFICER

IN THE MATTER OF THE DISCHARGE,)
EFFECTIVE SEPTEMBER 14, 2016, OF:)

CAREN MANDOYAN,)

APPELLANT,)

FROM THE POSITION OF)
DEPUTY SHERIFF,)
SHERIFF'S DEPARTMENT,)

CASE NO. 16-276

RESPONDENT.)

TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

Wednesday, September 27, 2017

Reported by:

AMANDA KARMANN
HEARING REPORTER

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RESPONDENT.)

Transcript of Proceedings, taken at
500 West Temple Avenue, Los Angeles, California,
Room 528, beginning at 9:14 a.m. and ending
at 4:36 p.m., on Wednesday, September 27, 2017,
heard before Joseph Scully, Hearing Officer,
reported by Amanda Karmann, Hearing Reporter.

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APPEARANCES:

For the Department:

L.A. COUNTY SHERIFF'S DEPARTMENT
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Also present:

Peter M. Bollinger



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I N D E X

DEPARTMENT'S WITNESSES:

DIRECT CROSS REDIRECT RECROSS

[REDACTED]

9 34 63

(Further)

68

[REDACTED]

71 168 188

APPELLANT'S WITNESSES:

DIRECT CROSS REDIRECT RECROSS

[REDACTED]

191 197 200

[REDACTED]

202 213

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E X H I B I T S

<u>DEPARTMENT'S EXHIBITS:</u>	<u>MARKED FOR IDENTIFICATION</u>	<u>RECEIVED IN EVIDENCE</u>
32 - [REDACTED] Inter [REDACTED]	215	

<u>APPELLANT'S EXHIBITS:</u>	<u>MARKED FOR IDENTIFICATION</u>	<u>RECEIVED IN EVIDENCE</u>
53 - E-mails	36	
54 - POE Form	80	
55 - Text Messages	89	
56 - Text Messages	94	
57 - Text Messages	101	
58 - Phone Record	106	
59 - In-service Sheet	114	
60 - [REDACTED]'s [REDACTED] ion Extra Narrative	181	
61 - Caren Mandoyan's Office Correspondence Memorandum	205	



1 That way you'll at least be able to tell the
2 witness whether she should be here or not be here on
3 Friday. Or if she is going to be here, there's a narrow
4 scope of what she would be testifying to because part of
5 what I'll ask you to do is give us an offer of proof, and
6 then once we get that we can deal with the objections to
7 that.

8 MS. ROAM: Okay.

9 HEARING OFFICER SCULLY: All right.

10 MR. GOLDFEDER: That's fine. Thank you, your
11 Honor.

12 HEARING OFFICER SCULLY: So the next witness --
13 what is her name? [REDACTED]?

14 MS. ROAM: Yeah.

15 HEARING OFFICER SCULLY: [REDACTED]?

16 MS. ROAM: [REDACTED].

17 HEARING OFFICER SCULLY: Okay. Stand and raise
18 your right hand, please.

19
20 [REDACTED],
21 produced as a witness by and on behalf of the Department
22 and having been first duly sworn by the Hearing Officer,
23 was examined and testified as follows:
24

25 HEARING OFFICER SCULLY: Thank you.

1 Sit, state and spell your full name. You can
2 have a seat.

3 THE WITNESS: [REDACTED], [REDACTED], last
4 name [REDACTED].

5 HEARING OFFICER SCULLY: Were there two N's in
6 your --

7 THE WITNESS: That's correct, sir.

8 HEARING OFFICER SCULLY: -- name? Thank you for
9 answering promptly, but when you -- when you're listening
10 to the questions from the attorneys, be patient, let them
11 finish their question and then give your answer so that
12 you're not answering and speaking while they're speaking,
13 because the court reporter can't take two of you speaking
14 at the same time; okay?

15 THE WITNESS: I understand.

16 HEARING OFFICER SCULLY: Thank you.

17 Sergeant Roam, this is Department's witness;
18 correct?

19 MS. ROAM: That's correct.

21 DIRECT EXAMINATION

22 BY MS. ROAM:

23 Q Good morning --

24 A Good morning.

25 Q -- [REDACTED].

1 A Yes, ma'am. She said that he showed up to her
2 house and tried to get in her house.

3 Q What did she tell you about that?

4 A She said that he -- she told him that she no
5 longer wanted to be with him and then he got very
6 emotional and went to her house and tried to get in her
7 house through the balcony.

8 Q Did she tell you specifically how he attempted to
9 get in her house?

10 A I don't remember.

11 Q Okay. Did [REDACTED] ever tell you she was trying to
12 keep things friendly between her and Caren Mandoyan?

13 MR. GOLDFEDER: Objection. Leading.

14 HEARING OFFICER SCULLY: Overruled.

15 THE WITNESS: She did.

16 BY MS. ROAM:

17 Q What did she tell you?

18 A She told me that she can be very abrupt with her
19 decision to say, We're done completely, because she was
20 scared.

21 Q Did she say what she was scared about?

22 A No, ma'am.

23 Q Okay. Did she tell you that she was hoping that
24 the Appellant would just move on?

25 MR. GOLDFEDER: Objection. Calls for

1 he told me that [REDACTED] was saying that I don't --
2 that I don't deserve to be a deputy because I can't -- I
3 have an accent and I can't even speak English. I have
4 a -- and I confronted [REDACTED] and she told me that's
5 just a way of manipulating me.

6 HEARING OFFICER SCULLY: Can I have that question
7 read back please, and the answer?

8 (The record was read by the court reporter.)

9 HEARING OFFICER SCULLY: Hang on. I'm going
10 to -- I want to -- the witness -- objection -- I want to
11 sustain that question as argumentative and strike the
12 answer.

13 I want you to just ask her facts -- and because
14 it's argumentative for her to say it's manipulative,
15 trying to say what is going on in his head. You could
16 just elicit the facts, and if it's manipulative, you can
17 point out how and why it's manipulative, but her opinion
18 of it is too much of her opinion and not enough fact, and
19 I think it's an argumentative and improper conclusion. So
20 I'm going to sustain my objection to that question and
21 strike the answer.

22 So you can go ahead.

23 BY MS. ROAM:

24 Q Okay. Did Caren Mandoyan ever ask you for
25 [REDACTED]'s phone number after she changed her number?

1 A He did.

2 Q And did you give it to him?

3 A No, ma'am.

4 Q Why not?

5 A I just didn't want to be part of that problem
6 because I knew what was going on between them two.

7 Q Okay. Now, do you recall an incident about a
8 donut box?

9 A Yes, ma'am.

10 Q Can you tell us about that?

11 A Sure. I saw a donut box and [REDACTED] wrote
12 something on the donut box. I took a picture and sent it
13 to Caren Mandoyan.

14 Q Okay. Did you ever just volunteer information to
15 Caren Mandoyan about [REDACTED]?

16 A No. We were just friends. He was very, very,
17 extremely helpful to me, Deputy Mandoyan. He was helping
18 me out, whatever I needed as a deputy. He had more
19 knowledge and experience, and I will never forget that,
20 and I will mention that he did help me when I needed help.

21 Q Okay. Did [REDACTED] ever ask you if you were sharing
22 information about her with him?

23 A She never asked me.

24 Q Did she ever tell you she felt the Appellant was
25 stalking her?

1 me that question."

2 Are you on page 5?

3 A Oh --

4 Q That's page 6.

5 A Yes, sir.

6 Q So does that refresh your recollection that
7 Deputy Mandoyan never asked you who [REDACTED] was
8 dating after they broke up?

9 A Yes, sir.

10 MR. GOLDFEDER: Nothing further.

11 HEARING OFFICER SCULLY: Okay. Thank you.

12 Any redirect?

13 MS. ROAM: Just very briefly.

14 HEARING OFFICER SCULLY: Okay.

15

16 REDIRECT EXAMINATION

17 BY MS. ROAM:

18 Q [REDACTED], I want to turn your attention to
19 the e-mails that Counsel marked as Appellant's Exhibit 57.

20 You had a chance to review these?

21 A Yes, ma'am.

22 Q And it appears the date range is March 29, 2015,
23 through May 31, 2015.

24 Is that roughly the time period that you and
25 Caren Mandoyan were friends?

1 A Yes, ma'am.

2 Q Does that refresh your recollection as to when
3 you were friendly with him?

4 A Absolutely.

5 Q Now, is there anything inappropriate about
6 another deputy helping you with your report writing?

7 A When you're new, as a new deputy, everyone tries
8 to help you out to better your writing, not that you don't
9 know how to write. They try to help you to better
10 yourself, to write better reports and -- because you did
11 not have enough experience, you're just new and fresh for
12 the Department, everyone tries to help you out to better
13 your skills.

14 Q So it's a common practice?

15 A Yes, ma'am.

16 Q And there's nothing inappropriate or against
17 policy doing that?

18 A That is correct, ma'am.

19 Q And when you were working with a training
20 officer, and you place the training officer's name on the
21 report, is that because the training officer is actually
22 present with you at the call and able to testify about the
23 facts in the report?

24 A Yes, ma'am.

25 Q So if someone is just reading your report, would

1 they be able to testify in court about what happened?

2 A No. Even during briefings we always discuss the
3 fact of the calls that we handle. Everyone discussed it
4 and we try to help each other out. It's a common
5 practice.

6 Q Okay. And is a deputy having a report rejected
7 uncommon?

8 A Not -- no. Everybody at one point -- even
9 himself, being a good report writer, I'm sure he had
10 rejected reports.

11 MS. ROAM: Thank you. I have no further
12 questions.

13 HEARING OFFICER SCULLY: Okay. Just so I can get
14 these dates in my head, you said you were friends with
15 [REDACTED] from December of 2014 to March of 2015?

16 THE WITNESS: Correct, sir.

17 HEARING OFFICER SCULLY: And then you're friends
18 with Deputy Mandoyan from March of 2015 to May of 2015;
19 right?

20 THE WITNESS: Correct, sir.

21 HEARING OFFICER SCULLY: So those two periods
22 didn't overlap; right?

23 You're friends with one, and then you ended that
24 friendship and you became friends with the other; is that
25 what happened?



1 HEARING OFFICER SCULLY: Okay. Well, I think
2 we'll go ahead and just go to cross, but that will, I'm
3 sure, come out. So I should say [REDACTED], no longer
4 [REDACTED].

5 [REDACTED], raise your right hand, please.

6
7 [REDACTED],
8 produced as a witness by and on behalf of the Department
9 and having been first duly sworn by the Hearing Officer,
10 was examined and testified as follows:

11
12 HEARING OFFICER SCULLY: Okay. Thank you. All
13 right.

14 Cross-examination, please.

15 MR. GOLDFEDER: Thank you, your Honor.

16
17 CROSS-EXAMINATION

18 BY MR. GOLDFEDER:

19 Q Good morning, [REDACTED].

20 A Good morning.

21 Q And could you tell us what your current status is
22 as far as employment?

23 A I resigned.

24 Q Okay. You resigned from the Sheriff's
25 Department?

1 A Correct.

2 Q And are you comfortable telling us the reasons
3 for the resignation?

4 A My reasons are -- relates to all of this. I
5 didn't want to come in today, I didn't want to continue
6 doing this.

7 Q Okay. And I don't mean to pry and I apologize,
8 I'm just trying to get some basic information.

9 Do you feel comfortable telling us at what point
10 you have resigned?

11 A Like, the date of when?

12 Q Yes.

13 A It was Monday, two days ago.

14 Q So that would be the --

15 A 25th.

16 Q Okay. The 25th of July, 2017 --

17 A No. The 25th of September.

18 Q Oh. I'm sorry. I'm looking at your prior
19 appearance date.

20 And at any point in time were you threatened by
21 the Department? Is that what caused your resignation?

22 A No.

23 Q Okay. And when you first met with Sergeant Roam,
24 you indicated it was a six-hour meeting at some point in
25 time before July 26th, 2017. I want to ask you some

1 the incident that you just testified to where he followed
2 you home?

3 THE WITNESS: I believe so, yes.

4 BY MR. GOLDFEDER:

5 Q All right. So the time where you said he was
6 trying to get into your house, that was the sliding glass
7 door event. We can refer to it that way.

8 A Well, the sliding glass door event, I believe,
9 was prior to this event.

10 Q Okay. So sometime before Christmas of 2014;
11 correct?

12 A Yes.

13 Q And so in Exhibit -- Appellant's Exhibit 56 here,
14 we have Deputy Mandoyan sending you a narrative for a --
15 looks like a probable cause declaration for a report, and
16 page 3 indicates it looks like Deputy Mandoyan was working
17 on your narrative now.

18 Was that something you reached out to
19 Deputy Mandoyan on December 27th and December 28th, 2014,
20 for him to help write a report for you?

21 A Yeah.

22 Q And this was after the purported event with the
23 sliding glass door that occurred at some juncture before
24 December 25th, 2014; correct?

25 A Yes.

1 Q Okay. And then on page 4 of
2 Appellant's Exhibit 56, you indicate you thanked him for
3 writing the report and indicated that, "I love you."

4 Do you remember sending that and saying that to
5 Deputy Mandoyan on December 28th, 2014?

6 A Yes.

7 Q How long after the sliding door incident was this
8 December 27, 2014 and December 28, 2014 text message?

9 A I don't know.

10 Q Was it a week later?

11 A Sir, I honestly have no recollection as to the
12 specific dates.

13 Q So when you say the relationship ended in the --
14 looks like the POE report to Lieutenant Wiard, which was
15 Appellant's Exhibit 54, that "Deputy Mandoyan had broken
16 into her house," so that would have been at some point
17 before June 23rd, 2015?

18 A Yes.

19 Q And the dating/cohabitating relationship ended in
20 December 2014; correct?

21 A It was never a cohabitating relationship, but our
22 dating relationship did end in December 2014.

23 Q So when it indicates that "dating/cohabitating
24 relationship," that's not information you provided to
25 Lieutenant Wiard?

1 Q Did you call Deputy Mandoyan a base head during
2 that conversation?

3 A That sounds like something I would say.

4 Q Now, there was an occasion that you went to
5 Rock & Brew with [REDACTED]?

6 A Yes.

7 Q Would that have been sometime during September of
8 2014?

9 A Yes.

10 Q And did you invite Deputy Mandoyan to come over
11 to Rock & Brew and have a beverage with you and
12 [REDACTED]?

13 A Yes.

14 MR. GOLDFEDER: I'm just about done, your Honor.
15 I just want to go through a couple of notes here.

16 HEARING OFFICER SCULLY: Okay.

17 (There was a brief pause in the proceedings.)

18 BY MR. GOLDFEDER:

19 Q Now, on January 26th, 2015, at this, you know,
20 0318, 0345 hour in the morning event, did you invite
21 Deputy Mandoyan to come to your residence?

22 A No.

23 Q So when he showed up at your residence after this
24 26-minute phone call, was he on the -- were you both on
25 the freeway when that phone call was being made?

1 A Yes.

2 Q Okay. So when he showed up at your house, that
3 was something you weren't expecting?

4 A No.

5 Q Did you contact the police when he showed up at
6 your house?

7 A No.

8 MR. GOLDFEDER: No further questions, your Honor.

9 MS. ROAM: Can we take a short break to use the
10 restroom?

11 HEARING OFFICER SCULLY: Yeah. Let's do that.
12 Off the record.

13 (A recess was taken.)

14 HEARING OFFICER SCULLY: Okay. Back on the
15 record. All right.

16 Mr. Goldfeder, you're finished with cross?

17 MR. GOLDFEDER: That's correct, your Honor.

18 HEARING OFFICER SCULLY: I just have one
19 question, something that I noticed, which is the police
20 report. You say you noted that -- or you reported anyway,
21 that on 12/27/14 is when Mandoyan took the screen off and
22 tried to come in the -- open the window, and then used the
23 broom handle to open the rear sliding door, but was
24 unsuccessful.

25 That was on 12/27/14; right?

1 A Yeah.

2 Q Okay. Now, also on cross-examination, Counsel
3 asked if Appellant had told you that you were not allowed
4 to talk to your cousin, [REDACTED]; do you recall those
5 questions?

6 A Yes.

7 Q How many times would you estimate the Appellant
8 had told you something to the effect that you can't talk
9 to [REDACTED]?

10 A A few.

11 Q Did he ever tell you there were other people you
12 could not talk to?

13 A Yes.

14 Q Who?

15 A People that I worked with.

16 Q Anyone else?

17 A Not that I can recall.

18 Q How often would these conversations happen?

19 A I don't know.

20 Q Over the course of your two-year dating
21 relationship, was it once or twice? Can you give us some
22 kind of an estimate?

23 MR. GOLDFEDER: Objection. Already been asked
24 and answered, says she doesn't remember.

25 HEARING OFFICER SCULLY: Overruled.

1 Can you answer?

2 THE WITNESS: I mean, a few times. I don't have
3 an approximate whether it was five or ten. Just a few
4 times.

5 HEARING OFFICER SCULLY: A few times what?

6 THE WITNESS: A handful of times.

7 HEARING OFFICER SCULLY: A handful of times what?
8 What happened a handful of times?

9 THE WITNESS: That he would get mad and tell me I
10 couldn't talk to people. I couldn't talk to my partners.
11 Don't talk to anybody at the station. Don't talk to your
12 cousin.

13 Whenever I would be on the phone with my cousin
14 [REDACTED] and didn't click over to talk to him, he would get
15 upset about it. Just a handful of times. I don't have a
16 specific --

17 HEARING OFFICER SCULLY: What was your response
18 when he told you that?

19 THE WITNESS: He had no -- my response usually
20 was, I'm going to talk to my cousin, she's my family.

21 HEARING OFFICER SCULLY: So you let him know that
22 you're not going to pay attention to his instructions, and
23 if you want to talk to your cousin you're going to do it?

24 THE WITNESS: Right.

25 HEARING OFFICER SCULLY: So he wasn't able to

1 control your behavior in that way?

2 THE WITNESS: Right.

3 BY MS. ROAM:

4 Q So did he control your behavior in any way?

5 A I mean, at work I wouldn't talk to my partners.
6 You know, if it was something work related and I had to, I
7 would keep it very minimal, but for the most part, while I
8 was at work, I was very aloof because I didn't want
9 problems with him.

10 Q Now, you also testified on cross-examination that
11 [REDACTED] has brought you to and from our
12 hearing.

13 Why is that?

14 A Because I wanted him to take me.

15 Q And why?

16 A So that we wouldn't run into each other in the
17 parking lot.

18 Q And when you say "we wouldn't run into each
19 other," what do you mean?

20 A Caren and I.

21 MS. ROAM: All right. I have no further
22 questions.

23 HEARING OFFICER SCULLY: Okay. Any recross,
24 Mr. Goldfeder?

25 MR. GOLDFEDER: Just briefly.