

1 9. During a meeting with officers that held the rank of captain or above, where
2 Chief Charlie Beck was present, a deputy chief, speaking on behalf of Chief Beck, told all
3 command staff that when the Chief sends an officer to a BOR, he expects that officer to
4 be terminated, and the commanding officers sitting on the BOR do not have the authority
5 to do anything different. Plaintiff had reservations about this directive since he is required
6 under the law to provide a fair and adequate hearing to all officers accused of misconduct
7 before concluding that an officer should be terminated.

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9 10. During a BOR conducted on or about August 2012, in which Plaintiff sat as a
10 decision maker, evidence on behalf of the accused officer was brought to the attention of
11 the BOR which was exculpatory. An argument was made by the accused officer's
12 representative that the misconduct allegations were out of statute. Plaintiff agreed with
13 this analysis and wanted to dismiss the case against the accused based upon an opinion
14 provided to him by Los Angeles City Attorney's Office. However, Chief Beck overruled
15 Plaintiff's decision and the BOR was ordered to proceed. At the end of the hearing,
16 Plaintiff voted to suspend the officer instead of terminating him.

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18 11. After the hearing referenced in paragraph 10, Plaintiff had a conversation
19 with Chief of Staff, Deputy Chief [REDACTED] about his career advancement. During
20 the conversation, [REDACTED] cautioned Plaintiff that one of the things Chief Beck looks at
21 when deciding whether to upgrade captains is their findings during a BOR. Plaintiff took
22 that comment to be a direct reference to Plaintiff's findings made in prior BORs where
23 Plaintiff did not conform to Chief Beck's expectations that all officers sent to a BOR be
24 terminated.

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26 12. Plaintiff has a good faith belief that there are state and federal laws, statutes
27 and regulations that provide for a fair hearing under a BOR including, but not limited to,
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1 the California and United States Constitutions providing for due process, and *Government*
2 *Code* sections 3303 & 3304. Plaintiff alleges that, in part, because he complied with
3 applicable laws, and refused to follow what he believed to be unlawful orders from Chief
4 Beck to terminate the employee, he has been denied being upgraded to the position of
5 Captain II and/or III. Plaintiff further alleges that his performance evaluations for the rating
6 period of May 10, 2012 to May 9, 2013, was deliberately changed by members of the
7 [REDACTED] command staff and/or other command personnel, to justify the
8 reason why Plaintiff was not upgraded to the position of captain II or III in the year 2013.
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