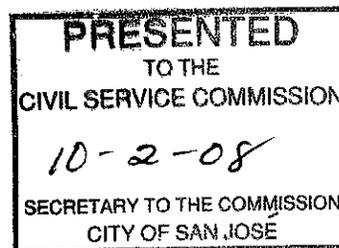




CITY OF SAN JOSE, CALIFORNIA

200 East Santa Clara Street – Wing, 2nd Floor
San José, California 95113
Telephone (408) 535-1265
FAX (408) 292-6207



CIVIL SERVICE COMMISSION

Bill Brill, Chair
Sharon L. Hightower, Vice Chair
Dave Busse
Peter Soulé
Jon C. Fitch

CIVIL SERVICE COMMISSION Minutes of the Commission August 20, 2008

The Civil Service Commission of the City of San José convened on August 20, 2008, in Room W242, San José City Hall, at 6:30 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Soulé and Hightower
ABSENT: None

Presiding Officer Hightower stated this meeting had been called to order to hear the appeal of dismissal of Tony Vera, Police Officer. It was determined that the appellant, the appellant's representative, Larry Peterson, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, and Lt. Larry Esquivel, representing the San José Police Department Internal Affairs Unit, and Doug Baker, representing the Office of Employee Relations, were present and all parties were ready to proceed. The appellant waived his right to a Closed hearing.

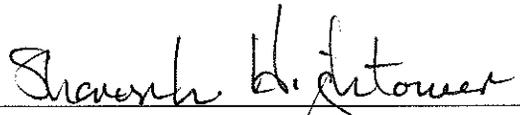
Opening statement was made by Mr. Hopper. The appellant, by and through his attorney, waived his opening statement at this time.

Testimony was heard from Lawrence Randolph Clay.

At 8:08 p.m., the Commission recessed and reconvened at 8:20 p.m. with Commissioners Brill, Busse, Fitch, Soulé and Hightower present.

Testimony was heard from San José Police Officer Jose Hisquierdo and San José Police Lieutenant Paul Spagnoli.

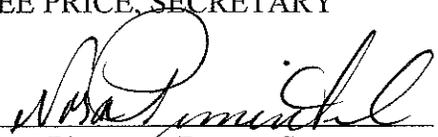
The Commission adjourned at 10:40 p.m. to August 21, 2008 at 6:30 p.m. to continue to hear the appeal of dismissal of Tony Vera, Police Officer. (Hopper/Peterson)



SHARON L. HIGHTOWER, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, SECRETARY



Nora Pimentel, Deputy Secretary

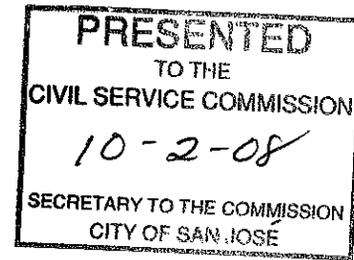


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Peter Soulé
Jon C. Fitch



CIVIL SERVICE COMMISSION Minutes of the Commission August 21, 2008

The Civil Service Commission of the City of San José convened on August 21, 2008, in Room W242, San José City Hall, at 6:30 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Soulé and Hightower
ABSENT: None

Presiding Officer Hightower stated this meeting had been called to order to hear the appeal of dismissal of Tony Vera, Police Officer. It was determined that the appellant, the appellant's representative, Larry Peterson, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, and Lt. Larry Esquivel, representing the San José Police Department Internal Affairs Unit, and Doug Baker, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Testimony was heard from San Jose Police Lieutenant George Graham, San Jose Police Sergeant Brain Kneis, and San Jose Police Chief Rob Davis.

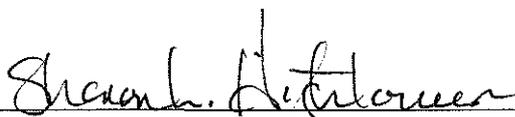
At 8:00 p.m., the Commission recessed and reconvened at 8:16 p.m. with Commissioners Brill, Busse, Fitch, Soulé and Hightower present.

Continued testimony was heard from San José Police Chief Rob Davis. Testimony was heard from San José Police Captain Vaughn Edwards.

At 9:45 p.m., the Commission recessed and reconvened at 9:54 p.m. with Commissioners Brill, Busse, Fitch, Soulé and Hightower present.

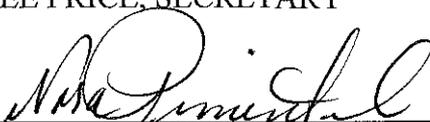
Continued testimony was heard from San José Police Captain Vaughn Edwards. Continued testimony was heard from San Jose Police Lieutenant Paul Spagnoli

The Commission adjourned at 10:43 p.m. to August 25, 2008 at 6:30 p.m. to continue to hear the appeal of dismissal of Tony Vera, Police Officer. (Hopper/Peterson)


SHARON L. HIGHTOWER, PRESIDING OFFICER

ATTEST:

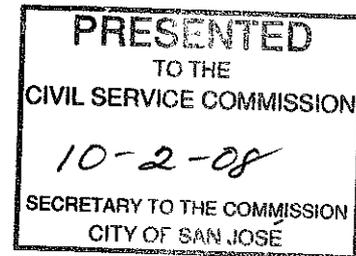
CIVIL SERVICE COMMISSION
LEE PRICE, SECRETARY


Nora Pimentel, Deputy Secretary



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CIVIL SERVICE COMMISSION

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CIVIL SERVICE COMMISSION Minutes of the Commission August 25, 2008

The Civil Service Commission of the City of San José convened on August 25, 2008, in Room W242, San José City Hall, at 6:29 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Soulé and Hightower
ABSENT: None

Presiding Officer Hightower stated this meeting had been called to order to hear the appeal of dismissal of Tony Vera, Police Officer. It was determined that the appellant, the appellant's representative, Larry Peterson, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, and Lt. Larry Esquivel, representing the San José Police Department Internal Affairs Unit, and Doug Baker, representing the Office of Employee Relations, were present and all parties were ready to proceed.

City's Exhibits #1 through # 32 were entered into evidence.

Mr. Peterson waived opening statement.

Testimony was heard from San José Police Lieutenant Rochelle Goede, Lorraine Marie Libratori and retired San José Police Sergeant Felipe Flores.

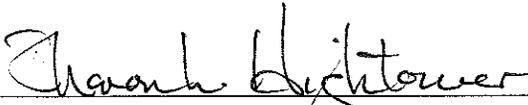
At 7:30 p.m., the Commission recessed and reconvened at 7:43 p.m. with Commissioners Brill, Busse, Fitch, Soulé and Hightower present.

Testimony was heard from San José Police Officer Stevan Michael Robinson, San José Police Officer Mario Hernandez and Tony Vera.

At 9:11 p.m., the Commission recessed and reconvened at 9:21 p.m. with Commissioners Brill, Busse, Fitch, Soulé and Hightower present.

Testimony was heard from Anthony E. Pagkas. Continued testimony was heard from Tony Vera.

The Commission adjourned at 10:30 p.m. to August 27, 2008 at 6:30 p.m. to continue to hear the appeal of dismissal of Tony Vera, Police Officer. (Hopper/Peterson)



SHARON L. HIGHTOWER, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, SECRETARY

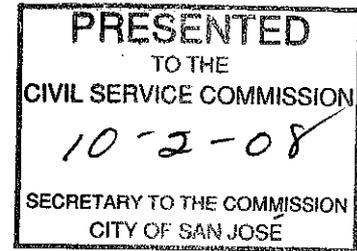


Nora Pimentel, Deputy Secretary



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CIVIL SERVICE COMMISSION Minutes of the Commission August 27, 2008

The Civil Service Commission of the City of San José convened on August 27, 2008, in Room W242, San José City Hall, at 6:28 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, and Hightower
ABSENT: None

Presiding Officer Hightower stated this meeting had been called to order to continue to hear the appeal of discipline of Police Officer, Case No. 07-37. It was determined that the appellant, the appellant's representative, Larry Peterson, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, Lt. Larry Esquivel, representing the San José Police Department Internal Affairs Unit, and Doug Baker, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Appellant's Exhibits No. #A through #K were entered into evidence.

Testimony was heard from San José Police Lieutenant Ruben Chavez.

City's Exhibits No. #34 through #37 were entered into evidence.

Closing arguments were made by Mr. Hopper and Mr. Peterson.

At 8:12 p.m., the Commission recessed and reconvened at 8:24 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Hightower present.

Closing arguments continued by Mr. Peterson.

Upon notice of submission, the Commission entered into closed session at 8:57 p.m. to deliberate. The Commission reconvened at 10:01 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Hightower present.

Presiding Officer Hightower thanked Mr. Hopper and Mr. Peterson for their professional and efficient manner in which they handled the case. Presiding Officer Hightower announced that the Commission had made a unanimous decision that Charge #1 was not sustained. The Commission made a unanimous decision that Charge #2 was sustained. The Commission made a unanimous decision that Charge # 3 was sustained. Charge #4 was voted 4 to 1 not sustained. The Commission made a unanimous decision that Charge #5 was sustained. The Commission made a unanimous decision that Charge #6 was not sustained. The Commission made a unanimous decision that Charge #7 was not sustained. Charge #8 was voted 4 to 1 not sustained.

Given the sustaining of charges 2, 3 and 5 it is the unanimous decision of the Commission that Tony Vera shall be returned to his position as a police officer with modification of the discipline to have Tony Vera serve a six month suspension without pay. Once the suspension has been served, he will be returned to his position as a police officer.

The Commission expressed some concerns regarding the duty manual. The Commission suggested that the City review the duty manual for policy clarification and uniformity as it relates to the use of city owned vehicles.

ADJOURNMENT

The Commission adjourned at 10:05 p.m.


SHARON L. HIGHTOWER, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, SECRETARY


Nora Pimentel, Deputy Secretary