



CITY OF SAN JOSE, CALIFORNIA

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CIVIL SERVICE COMMISSION

Bill Brill, Chair
Jon Fitch, Vice Chair
Dave Busse
Peter Soulé
Emily Côté

CIVIL SERVICE COMMISSION Minutes of the Commission January 28, 2010

The Civil Service Commission of the City of San José convened on January 28, 2010, in Room W242, San José City Hall, at 6:34 p.m.

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

Presiding Officer Côté stated this meeting had been called to order to hear the appeal of dismissal of Michael Rose, Police Officer. It was determined that the appellant, the appellant's representative, Craig Brown, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, Lieutenant Larry Esquivel and Gina Donnelly, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Continued testimony was heard from Appellant Michael Rose.

Appellant's Exhibits No. #1 through #6 were entered into evidence.

At 7:24 p.m., the Commission recessed and reconvened at 7:37 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

Rebuttal testimony was heard from San Jose Police Officer Rodney LaVelle Daniel.

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

Upon notice of submission, the Commission entered into Closed Session at 8:35 p.m. to deliberate. The Commission reconvened at 9:06 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

The Commission voted unanimously on all charges. Charges # 1, 4, 5 were upheld. Charge #2 is not sustained. Charge #3 overall is upheld but not with regard to S1137 non-emergency loading and unloading of firearms. Charge #6 is upheld as to exceeding the maximum number of ride-along but not as to failure to obtain written approval in advance. Charge #7 is upheld specifically with regard to allowing assisting in the pat down. As to the discipline to terminate, that decision was upheld.

The Commission adjourned at 9:08 p.m. to February 4, 2010, at 4:00 p.m.

EMILY J. CÔTÉ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY

Nora Pimentel, CMC, Deputy Secretary