

STATE OF CALIFORNIA  
CALIFORNIA STATE AUDITOR'S OFFICE (CSA)

In the matter of:

2020 CITIZENS REDISTRICTING COMMISSION (CRC)  
Applicant Review Panel (ARP) Public Meeting

621 Capitol Mall, 10th Floor  
Sacramento, CA 95814

WEDNESDAY, MARCH 4, 2020  
8:59 A.M.

Reported by:  
Peter Petty

## APPEARANCES

## Members Present

Ryan Coe, Chair

Ben Belnap, Vice Chair

Angela Dickison, Panel Member

## Staff Present

Christopher Dawson, Panel Counsel

Lisa Molino, Office Technologist

Shauna Pellman, Auditor Specialist II

## Interviewees

Rebecca Ceniceros

Ravinder Shergill

Victoria (Vicki) Tamoush

Keith Overbey

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## P R O C E E D I N G S

9:00 a.m.

CHAIR COE: Okay. The time being 9:00 a.m., I'd like to reconvene this meeting. I noticed that all the other members of the Panel are present.

I'd like to welcome Rebecca Cenicerros. Did I say that right?

MS. CENICEROS: You said it perfectly.

CHAIR COE: Great. Welcome. Thank you for being here. I'd like to turn the time over to Mr. Dawson for the standard questions, please.

MR. DAWSON: Thank you, Mr. Chair.

Ms. Cenicerros, as I said before, we are asking each Applicant a series of five standard questions. Are you ready?

MS. CENICEROS: I am, sir.

MR. DAWSON: First question: What skills and attributes should all Commissioners possess? What skills or competencies should the Commission possess collectively? Of the skills, attributes and competencies that each Commissioner should possess, which do you possess? In summary, how will you contribute to the success of the Commission?

MS. CENICEROS: So, beginning with the skills and attributes that all Commissioners should possess, I believe

1 they should have zeal and dedication to the mission of the  
2 Commission. That's perhaps the most important one, because  
3 I think the work is so important that it really deserves  
4 true believers, and the sanctity of every person's vote,  
5 and the importance of the Commission to correctly draw  
6 district lines so that everybody's vote is given the weight  
7 that it deserves legally.

8 I think that the Commissioners should possess  
9 analytical ability, which I define as the ability to assess  
10 and identify facts, evaluate data, and then reach a  
11 rational conclusion.

12 I believe that a Commissioner should be a good team  
13 member, should be congenial, respectful of opposing views,  
14 and inspirational, if at all possible, to their fellow team  
15 members, to the other Commissioners, in trying to do the  
16 absolute best job possible.

17 You read them all in a row, so I will have to take  
18 a minute. The Commission, collectively, should be mindful  
19 of the importance of the mission and the fact that the  
20 public is watching. So it should be as impartial and  
21 objective as possible. It should be absolutely strict in  
22 its adherence to the law as the law governs redrawing  
23 district lines, and it should be respectful of the public  
24 when the public comes to hearings and says, "This is what I  
25 think." Those comments should be seriously listened to and

1 accorded the respect that the public is due.

2           Which of these do I possess? I think I have them  
3 all. I really believe in this mission. I was so excited  
4 when I saw the advertisement. It just clicked with me. I  
5 thought, "I could do this. I could really make a  
6 difference. I could help," looking at your logo there,  
7 "Shape California's Future," and whoever came up with that  
8 should get a gold medal, because it really encapsulates the  
9 mission, as I see it, of the Commission so very well in  
10 three little words, and it would be a great honor if I  
11 could play some small role in that.

12           So, in terms of attributes, yes, I want to do this,  
13 and I believe that I'm a leader because I sort of draw  
14 people in with my enthusiasm, and I think that I could  
15 enliven and inspire my teammates, my fellow Commissioners,  
16 because I'm so jazzed about it that, inevitably, that's  
17 contagious, and so we would all be jazzed, and we would all  
18 work really hard to do the right thing in drawing district  
19 lines.

20           I was a lawyer for 30-plus years. I retired  
21 recently, and in terms of analytical ability, my skills are  
22 absolutely honed. That's what lawyers do, is they think  
23 analytically. My first job was with a federal District  
24 Court judge here in Sacramento, actually, and when you come  
25 out of law school -- Mr. Dawson, you'll know this -- you're

1 sort of a blob. You're all potential and not a lot of  
2 competence. And the judge really taught me how to analyze  
3 incredibly complex areas of law, identify important issues,  
4 and come to the right conclusion by applying the law to the  
5 facts of that case.

6 I litigated for many, many years, which required me  
7 to ascertain facts, prepare a case or a defense as the case  
8 required, and, again, the analysis was -- the analytical  
9 skills were honed in that capacity. Then I finished up  
10 with my career being an advice lawyer, basically, first to  
11 the California judicial system and then to Monterey County  
12 Board of Supervisors, and, in addition to the analytical  
13 skills that I've talked about already, that requires to  
14 take in facts that are really close to home. I mean,  
15 county government is where the rubber meets the road. It's  
16 that pothole right there at the end of the block. And so  
17 it required me to use my analytical skills in a way that  
18 were very immediate and very, very important to people's  
19 lives.

20 One of the things the judge taught me when I was a  
21 newbie, way back when, was that behind every file there's a  
22 person, and to never forget, while researching the law and  
23 thinking about esoteric matters of federal jurisdiction and  
24 all that, that there's a person behind that file, and that  
25 we were doing things that were going to really profoundly

1 affect people's lives.

2 I carried that through my legal career, and I would  
3 bring it to the Commission because, in analyzing data and  
4 statistics and whatever is required, I know that there are  
5 people underneath those numbers, and I think that would be  
6 a positive thing to bring to the Commission.

7 I'm a good colleague. People tend to like me.  
8 People tend to relax around me. When I was litigating, I  
9 was frequently required to interview or depose individuals  
10 who really didn't want to talk to me, because they didn't  
11 want to get involved, they were opposing me, opposing my  
12 client in the lawsuit, whatever, and I developed good  
13 people skills.

14 I learned how to really listen, instead of always  
15 being preoccupied about what I was going to say next. I  
16 really got into their skin and looked at things from their  
17 perspective, and I was able, on innumerable occasions, to  
18 get people to open up and to just talk to me like I'm a  
19 human being, and tell me what information I needed at that  
20 point in time. So I think I would bring that  
21 personableness, that openness, and that ability to set  
22 people at ease and to be relaxed to the Commission, which  
23 would, hopefully, allow us all to do our very best job.

24 MR. DAWSON: Should we move to question two?

25 MS. CENICEROS: Okay.



1           MR. DAWSON: Work on the Commission requires  
2 members of different political backgrounds to work  
3 together. Since the 2010 Commission was selected and  
4 formed, the American political conversation has become  
5 increasingly polarized, whether in the press, on social  
6 media, and even in our own families.

7           What characteristics do you possess, and what  
8 characteristics should your fellow Commissioners possess,  
9 that will protect against hyperpartisanship? What will you  
10 do to ensure that the work of the Commission is not seen as  
11 polarized or hyperpartisan, and to avoid perceptions of  
12 political bias and conflict?

13           MS. CENICEROS: So the characteristics that I  
14 possess, and I think everybody should, is to avoid the  
15 extreme debate that we see. I really liked this question.  
16 I really thought it was a good one. It is respectfulness,  
17 and let me go into what I mean when I say "respectfulness."

18           I think it's avoiding a rush to judgment, avoiding  
19 a stereotype, letting people finish their sentence, because  
20 so many times we start responding. We just think we know  
21 what someone is going to say. It's an arrogant and  
22 presumptuous thing to do, to interrupt in that fashion, and  
23 I think that you hold back, and you let somebody say what  
24 they need to say.

25           I think you demonstrate respect for other people's

1 opinions and for their perspectives by asking follow-up  
2 questions, by saying, "Why do you say that? Where did that  
3 come from? What makes you think that way? Give me a  
4 circumstance where that was true." When people feel  
5 really, really listened to, they feel respected. This is  
6 my experience in life, and so I think I do that. I  
7 certainly try to do that, and I think all Commissioners  
8 should do that. I think we should endeavor to be good  
9 listeners, because it communicates such respect for the  
10 audience, be it the public or each other. If you're really  
11 listening, then you're not getting into a hotblooded kind  
12 of argument.

13           By the same token, when it's your turn, you say,  
14 "Let me talk. I gave you the chance to talk. Now it's my  
15 turn." You ratchet down the tension, and speak slowly and  
16 calmly, and just sort of defuse emotion, so that you can  
17 get to the kernel of what somebody is trying to  
18 communicate. I think, when we all get emotional, we lose  
19 our ability to communicate accurately and factually. So,  
20 to defuse the emotion, you listen hard, and then you speak  
21 slowly and you insist that you be listened to. Those would  
22 be the ground rules, as far as I'm concerned.

23           What will I do to ensure that the Commission is not  
24 seen as biased or hyperpartisan? I think doing everything  
25 that I just described. I would never misbehave. I would

1 never tweet or Facebook, or say something that would be  
2 inappropriate. It's not who I am. I don't even have  
3 social media accounts. I never follow Twitter. I just  
4 don't even participate in that, for reasons of privacy.

5           So you'll never see me making an off-the-cuff  
6 remark about some other Commissioner or what the  
7 Commissioner is doing. If I were to get wind that another  
8 Commissioner is about to issue a tweet or something that is  
9 about to undermine the Commission in some way, I would  
10 really try to dissuade that from happening. I don't know.  
11 I'm dignified and professional. I don't go off like a  
12 rocket. I just don't do that. It's not who I am. And so  
13 I would try to encourage other people to be that same way.

14           MR. DAWSON: Question three. What is the greatest  
15 problem the Commission could encounter, and what actions  
16 would you take to avoid or respond to this problem?

17           MS. CENICEROS: This one was so interesting. I  
18 think the answer is buried right there in number two. I  
19 think that if the public perceived the Commission to be  
20 endeavoring to serve one party or another, or one candidate  
21 or another. That would just undermine its very core, and  
22 so what could happen, somebody makes a speech and says  
23 something that they really shouldn't, which then casts  
24 aspersions on the entirety of the Commission, and yes, that  
25 would be a problem. That would be terrible.

1 I have been in situations where I encouraged public  
2 officials to be very careful in their private lives, at a  
3 cocktail party, and nowadays on social media about what  
4 they say, not only because it could prove personally  
5 embarrassing, but also because anything they say, anything  
6 you do, really reflects back on the body that you serve.  
7 So I would bear that in mind, and I would not flap my gums.

8 MR. DAWSON: Question four. If you are selected,  
9 you will be one of 14 members of the Commission, which is  
10 charged with working together to create maps of the new  
11 districts. Please describe a situation where you had to  
12 work collaboratively with others on a project to achieve a  
13 common goal. Tell us the goal of the project, what your  
14 role in the group was, and how the group worked through any  
15 conflicts that arose. What lessons would you take from  
16 this group experience to the Commission, if selected?

17 MS. CENICEROS: So I thought about this one long  
18 and hard. I have three examples. The first one I'd like  
19 to talk to you about was my experience in working with the  
20 county IT department in putting together a request for  
21 proposals for a complete and total revamp of the county's  
22 network, similar to a gut remodel of a house.

23 The county's network had been put together  
24 piecemeal, and it was old, and it needed to come up to  
25 modern security standards. We needed to avoid data

1 breaches. We needed to enhance the usability of the  
2 system.

3 I came to that project with very little IT  
4 experience, none, really, not on the technical stuff. I  
5 knew how to type out a Word document, but that was about  
6 the extent of it, and so my role in that project was first  
7 working very hard with the IT folks so that I could  
8 understand what a network really does, and what the goals  
9 of the remodel were going to be, and then we collaborated  
10 on putting together an extensive request for proposals that  
11 was very technical, and which, when implemented, would  
12 really bring the county into the modern era in terms of  
13 data security, and all sorts of bells and whistles that  
14 would really enhance the county's ability to serve the  
15 public.

16 My role was to take the county's vision, the IT  
17 department's vision, and to translate it into English that  
18 we could then publish and solicit proposals. It was a  
19 wonderful project to learn. I learned more about IT than I  
20 ever thought I would. It turns out it's a really  
21 fascinating thing. I had always avoided it, "Not that.  
22 Stay away. I don't want it. Just as long as my computer  
23 works, I'm all good." But to really learn how networks  
24 work was an extremely wonderful experience.

25 There was not a lot of conflict. There was just a

1 lot of hard work, and I credit the IT county, county IT  
2 people, because they took somebody who really knew nothing  
3 and they made me educated enough that I could help them  
4 write a legally sound request for a proposal that complied  
5 with all the public bidding laws. It was just great fun.

6 MR. DAWSON: I want to make sure that each of the  
7 Panel Members has an opportunity to ask their 20 minutes of  
8 questions. So are you --

9 MS. CENICEROS: Okay. I'll talk faster.

10 MR. DAWSON: No, no. Are you ready to move to  
11 question five?

12 MS. CENICEROS: No. I have a couple of more  
13 examples --

14 MR. DAWSON: Sure.

15 MS. CENICEROS: -- and then I'll talk fast.

16 The other experience I had working at the county  
17 was putting together a -- working with environmental health  
18 to put together a rooster-control ordinance. The purpose  
19 of the ordinance was to discourage animal cruelty, to  
20 protect the physical environment in Monterey, and to ensure  
21 the peace and quiet of the neighborhoods, especially in the  
22 rural areas.

23 Monterey County has a cockfighting problem.  
24 Cockfighting is against the law. It's a crime. But there  
25 were a number of rooster farms in the rural areas, and they

1 were problematic. I mean, the waste from the roosters  
2 would flow onto ag fields and contaminate the ag fields so  
3 farmers could no longer use that ag field for a crop.  
4 Roosters crow 24/7, so the people who lived anywhere near  
5 had to listen to that sound day and night.

6 I learned, again, it was collaborating with my  
7 client very, very closely, so that I could get what policy  
8 goals were and translate them into an ordinance that would  
9 withstand legal challenge, because we fully expected legal  
10 challenge. The legal challenge did come. There's a  
11 lobbyist for the cockfighting industry. They filed a  
12 lawsuit. The trial court judge ruled in our favor and  
13 sustained the ordinance, found it valid. They appealed,  
14 and the Court of Appeal found the Monterey County ordinance  
15 was valid. So it took maybe a year, year and a half before  
16 we finally came up with the ordinance, but the ordinance  
17 was sound.

18 I think the thing I learned there was that it's a  
19 whole lot harder to write a statute than it is to challenge  
20 one, but I also learned that -- it was my first experience  
21 with really taking into account the opinion of many public  
22 views, because there was a lot of opposition to this  
23 ordinance from many, many areas. 4Hers were concerned that  
24 they wouldn't have 4H projects, and so there was an  
25 exemption included that educational purposes, 4H projects,

1 would not be required to get a permit under this statute,  
2 and so on and so forth. So I think the experience that I  
3 would bring to the Commission would be "eyes wide open" in  
4 terms of political input into government decision making.

5 Finally, I wanted to talk to you about my  
6 experience with the Workforce Development Board. This is a  
7 board that administers federal money from the Department of  
8 Labor and provides job training and job placement to  
9 persons of certain financial need who are trying to better  
10 themselves and increase their status in life, and it  
11 requires a lot of administrative work to determine  
12 eligibility, to do the placement, to follow up to make sure  
13 that the person placed is benefitting, to make sure all the  
14 training was provided, and for many years, county employees  
15 did this for the Workforce Development Board.

16 The federal law changed, and now all those  
17 administrative services were going to have to be provided  
18 pursuant to public solicitation. Basically, a request for  
19 proposal needed to issue. It was required. And so you had  
20 a situation where county employees who had been doing this  
21 for years and years and years now had to submit a public  
22 bid to do the jobs that they had been doing for so long.  
23 It was very delicate, and I certainly felt for the  
24 employees who felt that their jobs were at stake, their  
25 benefits, their PERS retirement. I deeply felt for them.



1           On the other hand, the law was the law. Federal  
2 statute required public bidding of these services, and  
3 unless we followed the law and incorporated the federal  
4 requirements for public bidding, and dotted the Is and  
5 crossed the Ts, then we were going to lose millions of  
6 dollars in funding, and all the people who would have been  
7 served, and gotten job training, and gotten job placement,  
8 would lose out.

9           So I learned how to put aside my sympathy for the  
10 county employees, because my job at that point in time was  
11 simply to follow the letter of the law, and to do it  
12 notwithstanding my personal feelings on it. So I think I  
13 would bring that. I certainly get through the description  
14 of the Commission and such that you're looking for the  
15 ability to set aside personal bias, and I think I learned  
16 how to do that.

17           MR. DAWSON: Question five, and we have just over  
18 five minutes remaining in order to get to the Panel's 20  
19 minutes each. A considerable amount of the Commission's  
20 work will involve meeting with people from all over  
21 California who come from very different backgrounds and a  
22 wide variety of perspectives.

23           If you are selected as a Commissioner, what skills  
24 and attributes will make you effective at interacting with  
25 people from different backgrounds and who have a variety of

1 perspectives? What experiences have you had that will help  
2 you be effective at understanding and appreciating people  
3 and communities of different backgrounds and who have a  
4 variety of perspectives?

5 MS. CENICEROS: Well, as I said earlier, I'm really  
6 interested in people, and I listen to people, and I ask  
7 follow-up questions, and because of that, I get a little  
8 bit deeper understanding of where people are coming from.  
9 My own background is such that I was certainly not born  
10 with a silver spoon in my mouth. I am the daughter of a  
11 farmworker, and I lived and interacted with and grew up  
12 with people at a certain level in society, but, when I was  
13 a litigator, I interacted very successfully with CEOs and  
14 chief counsels of major corporations.

15 I get along with staff. I get along with fellow  
16 professionals. When I litigated, I made the decision very  
17 early on that I could really vigorously assert my clients'  
18 interests, but I didn't have to be a jerk. So I always got  
19 along with my opposing counsel, and this is someone who's  
20 trying to beat me, but we could always be civil together.

21 I sometimes litigated really sensitive things, and  
22 my opposing counsel would come and tell me -- you know,  
23 especially sexual harassment-type cases or sexual  
24 assault-type cases -- and they would tell me, "That was  
25 really professional and respectful." So I treat people

1 that way regardless of where they come from, whether  
2 they're very rich and live in Pebble Beach or whether  
3 they're not so rich and they live in Salinas Valley. The  
4 experiences that make me effective I think I just  
5 described.

6 MR. DAWSON: Okay. All right. We will now move on  
7 to Panel questions. Each of the Panel Members will have a  
8 maximum of 20 minutes. We'll begin with the Chairperson,  
9 Mr. Coe.

10 CHAIR COE: Thank you, Mr. Dawson.

11 Ms. Cenicerros, in your -- I believe it was the  
12 other relevant material -- you say that you wanted to grow  
13 up to be Jacques Cousteau?

14 MS. CENICERROS: Yes.

15 CHAIR COE: When I read that, that seems to imply  
16 that you have a passion for exploration and discovery. Is  
17 that fair to say?

18 MS. CENICERROS: It is. It also meant that I really  
19 wanted to scuba dive.

20 CHAIR COE: I see.

21 MS. CENICERROS: That's what I was -- I saw a few of  
22 those documentaries and I decided I wanted to get  
23 underwater. So I did not grow up to be Jacques Cousteau,  
24 but I do scuba dive every chance I get.

25 CHAIR COE: Do you think there's anything from that

1 interest or that mind set that could be helpful to the  
2 efforts of the Commission?

3 MS. CENICEROS: Scuba diving instills in me a sense  
4 of wonder and great zest for life, and energy, and I think  
5 that I bring that to all aspects of my life. Nature does  
6 that for me. So I would anticipate working really, really  
7 hard, and pouring over statistics and census results, but  
8 I'd also anticipate keeping my energy and my enthusiasm  
9 high by going for a walk in the woods, or getting  
10 underwater, taking my dog out and throwing the ball for  
11 her, that sort of thing. I figured out a long time ago how  
12 to keep myself fresh and high-energy is the way to take  
13 frequent restorative breaks.

14 CHAIR COE: I wanted to touch on something you had  
15 in your impartiality essay, and I think you gave some  
16 examples about how you've had to work impartially in the  
17 past. In your essay on impartiality, you talked about your  
18 time as a federal judicial law clerk. Do you mind giving  
19 us a few more specific examples of when you had to practice  
20 impartiality, and perhaps set aside your preferences?

21 MS. CENICEROS: I remember one very hard personal  
22 injury claim where a baby was badly injured, and liability,  
23 at least on the face of the complaint, was really, really  
24 clear, but the plaintiff had waited too long to sue, and so  
25 following the law required dismissal on the basis of the

1 statute of limitations, and that was just wrenching to me  
2 because, at that point in my career, of course, I'm  
3 straight out of law school.

4 I wasn't very skilled at putting aside my personal  
5 opinion on things, and it was a real lesson that the rule  
6 of law is more important than the particular result in any  
7 particular case, and I've carried that with me ever since.  
8 It's very easy to do my own sense of justice, but that's  
9 not what I'm here for. That's not the Commission's role.  
10 The Commission's role, as I see it, is to take the census  
11 results, apply the law, and reach a rational decision that  
12 could be justified and defended.

13 CHAIR COE: So, as you mentioned, a large portion  
14 of what the Commission is going to be using is census  
15 information to help determine population clusters and so on  
16 when they're drawing the districts, but the other side of  
17 this job is more people-based, and going to different  
18 places in the state and speaking with communities, and  
19 identifying communities of interest.

20 How do you define a community of interest, and how  
21 do you think that the Commission should go about  
22 identifying those throughout the state?

23 MS. CENICEROS: I don't know what you mean by  
24 "community of interest." I think what is throwing me about  
25 your question is that I'm not entirely sure what that role

1 is of the Commission. I'm very comfortable in a public  
2 hearing setting. I will say that.

3 I have presided, much as Mr. Dawson is doing, at  
4 innumerable public hearings where I was counsel of record,  
5 so that I could advise if some issue arose. I've presented  
6 at public hearings. I've given information and PowerPoints  
7 and all that sort of thing to the county board of  
8 supervisors.

9 So I'm comfortable and adept at talking to groups  
10 of people in a public setting that is formal, in the sense  
11 that we're all following public access laws and  
12 transparency, and I think I communicate to people that I'm  
13 really engaged and I really do want to hear what they have  
14 to say, and that's half the battle.

15 CHAIR COE: So the Commission is going to have to  
16 accomplish a lot of work in a short period of time, and  
17 there are some pretty strict deadlines for when work needs  
18 to be done. Can you describe a time when you had, maybe,  
19 competing priorities and tight time lines, and how you  
20 approached it, and how it worked out?

21 MS. CENICEROS: Well, I just got it done. I worked  
22 hard, I worked long hours, and I never blew a statute when  
23 I was litigating. Litigators live by their deadlines,  
24 discovery cutoff. It's the last day to file your motion,  
25 it's the last day to respond to the motion. I know how to

1 meet a deadline, and I just put in the work and the hours  
2 that are necessary to get the job done right. I've done it  
3 for years, and even as an advice lawyer, there were time  
4 constrictions. Sometimes clients needed really good, sound  
5 advice, and they needed it now.

6           One of my jobs with the California's courts was to  
7 advise on accommodating litigants who have disabilities, so  
8 they have, obviously, an ADA right to fully access all  
9 government programs. So the phone would ring, and I would  
10 have to tell the judge or the court executive officer  
11 within five or 10 minutes what the right thing was to do  
12 when a particular litigant, or a juror, or an attorney, or  
13 a witness needed a particular accommodation.

14           So I learned to think on my feet, give good, sound  
15 advice, and I learned a lot, really, really well, so it was  
16 at my fingertips. I mean, I know how to meet a deadline.

17           CHAIR COE: So you talked a little about what you  
18 would enjoy about being a part of the Commission. I wanted  
19 to kind of touch on that one more time, and if you could  
20 choose one aspect of being a Commissioner that you think  
21 that you would enjoy the most or be the most successful at,  
22 what would it be? And on the other side of that, is there  
23 something that you might perhaps struggle with in your role  
24 as a Commissioner? It's kind of a two-part question.

25           MS. CENICEROS: Well, I'm good at eliciting

1 opinions and facts and reaching conclusions. That's what  
2 I've been doing my entire professional career. I think the  
3 right to vote is so very important. It's the core of our  
4 democracy, really, and it's really -- the importance of the  
5 right to vote is on my mind, is at the top of my mind right  
6 now, because it's the 100th-year anniversary of women's  
7 suffrage. I don't know the exact date, but it's 2020. A  
8 hundred years ago, women could vote, and so I'm so inspired  
9 by that that I think it's going to rub off.

10           Downside? I will have to do some homework and  
11 learn what the Commission -- the intricacies of how the  
12 Commission works, and what the legal concepts and governing  
13 principles are. So I do have to do my homework, but I've  
14 done that before. I learned IT, so I can do that.

15           CHAIR COE: Right. I don't have any additional  
16 questions.

17           Ms. Dickison, I believe, turn the floor over to  
18 you.

19           MS. CENICEROS: Hi.

20           PANEL MEMBER DICKISON: Hi. What I'd like to do  
21 is, I have a few statements in your application I'd like to  
22 have you expand on.

23           MS. CENICEROS: Sure.

24           PANEL MEMBER DICKISON: First thing is, in your  
25 first essay, where you talk about why you want to serve on



1 the Commission, one of the things you say is that you've  
2 learned people's beliefs and principles, deeply held, can  
3 coexist and must coexist for the greater good. Could you  
4 kind of expand on that statement?

5 MS. CENICEROS: Well, we're never going to change  
6 each other. So there are going to be conservatives. There  
7 are going to be liberals. There are going to be pro-gun  
8 people. There are going to be anti-gun people. You could  
9 choose every political issue in the world, and we have to  
10 get along because, most of the time, people don't flip  
11 sides. I mean, I'm sure it's happened in the course of  
12 history, but it's not that frequent. At least, that's not  
13 my experience.

14 So what I was trying to communicate with that  
15 sentence was that I think we all need to acknowledge that  
16 we're human. I have my opinions. I have my biases. I  
17 have my perspective, like any other human being does, but I  
18 have to acknowledge and accept and learn how to get along  
19 with people who do not agree with me all the time. It's  
20 just a must. In terms of the Commission, I think it's also  
21 very important to be able to set aside my baggage and focus  
22 on the task at hand.

23 PANEL MEMBER DICKISON: Okay. So that goes into my  
24 next question. In the impartiality essay, you kind of  
25 talked about that we're not a blank slate, and we have to

1 recognize that we have attitudes and predispositions that  
2 life has instilled in all of us. What are your  
3 predispositions?

4 MS. CENICEROS: Well, my politics are liberal. I  
5 think that that probably shows in my application. It's  
6 kind of a generalized statement. I tend to vote  
7 Democratic.

8 I am very much pro-civil liberties. I think that  
9 came with my internship with the ACLU way back when, when I  
10 was not even a lawyer yet. I was inspired by those people,  
11 and so I am all about preserving constitutional rights. I  
12 think they're important. I think the First Amendment is  
13 just critically important.

14 I think we need to be safe. I think women need to  
15 be safe at the workplace. I could go on and on about my  
16 attitudes, but I would say, in general, if you're going to  
17 say "righty" or "lefty," I'm on the left-hand side, but,  
18 again, I've learned how to get along with and interact with  
19 people who are very much not.

20 PANEL MEMBER DICKISON: Okay.

21 MS. CENICEROS: I'm vegan. I don't know if I put  
22 that in there. I'm an animal lover, and I don't kill  
23 animals to eat them, but I have meals all the time with  
24 people who do, who are eating meat, and I just cope, and I  
25 think we all need to cope with each other.

1           PANEL MEMBER DICKISON: Okay. So my next question  
2 kind of goes to that, but if you could expand on it a  
3 little bit. What steps would you take to ensure that your  
4 predispositions don't affect your decisions when it comes  
5 to the Commission?

6           MS. CENICEROS: Well, I would remind myself of the  
7 need to be objective and to set aside my personal  
8 predispositions whenever I picked up a piece of paper to do  
9 Commission work, and certainly I would look at the agenda  
10 of an upcoming Commission hearing, and work through  
11 whatever my own attitudes were, and suck it up, and be  
12 doing the right thing when I got to a Commission hearing.  
13 I think that the way to do that is just to be aware, and  
14 make the conscious effort.

15           PANEL MEMBER DICKISON: You already mentioned that  
16 you were the daughter of a farmworker, and you have that in  
17 your application. How would that assist you in your work  
18 as a Commissioner?

19           MS. CENICEROS: Well, I have a very deep  
20 understanding of what it's like to be at the lower realm of  
21 the social and economic ladder. I carry with me huge  
22 respect and admiration for people like my father and  
23 mother, who worked so very hard to give their kids a  
24 future, a really bright future, and I see around me people  
25 who are doing that, who are doing what my parents did, and

1 who work really, really hard.

2           So I have an empathy and respect and admiration for  
3 people who work three minimum-wage jobs to make ends meet.  
4 I mean, those are my people. That's where I came from, and  
5 I'm glad I feel for them, and I'm glad for my roots,  
6 because I think it's made me very appreciative of  
7 everything I have in life, and I think it's made me more  
8 empathetic when people are struggling.

9           PANEL MEMBER DICKISON: You mentioned the nonprofit  
10 Pay It Forward, and that you are mentoring a student now.

11           MS. CENICEROS: Yes.

12           PANEL MEMBER DICKISON: Have you mentored more than  
13 one, or is it just --

14           MS. CENICEROS: No, this is my first year as a  
15 mentor.

16           PANEL MEMBER DICKISON: Okay.

17           MS. CENICEROS: When you're a Pay It Forward  
18 mentor, you get one person, you get one student, and you  
19 mentor her for four years. So it's one at a time, and  
20 she's a junior, and she's doing very well. It's just been  
21 so rewarding.

22           When I went to college, I went to Davis, and, yes,  
23 there was nothing like this. So I kind of fumbled through  
24 and made it through, and it's all worked out, but it would  
25 have been -- it's really gratifying to get the help and the

1 support that I know would have been very meaningful to me  
2 at that time.

3 PANEL MEMBER DICKISON: All right. I wanted to  
4 kind of build on one of Mr. Coe's questions a little bit.  
5 If you can talk to use about concerns that you've  
6 recognized in Monterey County that might affect a certain  
7 community, and kind of include what binds that community  
8 together.

9 MS. CENICEROS: Well, Monterey County is a county  
10 of contrasts. There's great wealth and privilege, but  
11 there's also a lot of struggle, and it has very unique  
12 challenges because of the influx of immigrants who come to  
13 work the farms.

14 My work at the county was very much about those  
15 people, in one way or another. I advised libraries, and  
16 libraries -- one of the last things I did, actually, was to  
17 work on a contract with a vendor in order to bring  
18 broadband Internet, fast Internet connections, to the very  
19 far-flung, remote branches of the library, because  
20 otherwise there are lots of people in Monterey County who  
21 just wouldn't be able to ever use the Internet to apply for  
22 a job, to learn anything, to go to school. I mean, the  
23 Internet is obviously a very integral part of our life  
24 today, and to have no Internet is a huge disadvantage. So,  
25 you know, that was one thing that I was very, very

1 interested in, and very glad when we achieved it.

2           The Workforce Development Board work I did, those  
3 job trainings and placements were designed -- various  
4 programs did various things. One program was designed to  
5 target at-risk youth and to take people -- to steer them  
6 away from the gang life -- Salinas has a lot of  
7 gangs -- and to steer 18- and 19-year-olds into a  
8 law-abiding way of living. There were some serious layoffs  
9 that occurred in that area when significant employers left,  
10 and so these were workers that needed to be retrained to do  
11 something else.

12           One of the programs is, they ended up taking  
13 farmworkers and people who work in the ag industry and  
14 training them in ag tech. Tech has affected ag in the same  
15 way it has affected, you know, all aspects of life, and so  
16 that would mean that everybody -- that they would -- you  
17 know, those people who got educated in that way could earn  
18 more, significantly more.

19           We used to have people come and testify at the  
20 Workforce Development public hearings. They would just  
21 say, "This is what this program did to me," and they would  
22 make people cry, because those programs really turned them  
23 around. I remember one woman came and she said, "I was  
24 living in my car with my daughter, escaping an abusive  
25 relationship. Now I'm driving a truck. I'm making more

1 money than I thought possible, and my daughter sees her  
2 mother earning a living, renting an apartment," and this  
3 recipient was so proud because she was sending her daughter  
4 to a private school. I mean, it's so inspirational. It's  
5 really something.

6 PANEL MEMBER DICKISON: So, building on it a little  
7 more, what do you see as factors that might drive  
8 preferences for representatives between different regions  
9 or areas of the state or of Monterey?

10 MS. CENICEROS: I see a lot of sort of ethnic  
11 loyalty, which may or may not -- I mean, I think that  
12 people tend to see themselves as an ethnic group, and they  
13 want those people to be elected, and that might not be the  
14 smartest thing for them, but I do see that occurring.  
15 Monterey County is largely Hispanic. There's a lot of  
16 Hispanic populations there, and many different kinds of  
17 Hispanics from different areas in South America and such,  
18 and, you know, I see a lot of that.

19 PANEL MEMBER DICKISON: All right. Let's see. If  
20 you're selected as one of the first eight Commissioners,  
21 those eight will be selecting the next six to finish out  
22 the Commission of 14. What factors would you be looking  
23 for, or qualities, in those six individuals?

24 MS. CENICEROS: I would be looking for a diverse  
25 background, so I would want those other eight people to

1 come from different stations in life, and to have had  
2 varied life experiences that were not mine, because the  
3 more data you bring to the table, I think, the better that  
4 we all do our jobs. I would look for proven ability to be  
5 objective, as we've talked about. I would look for  
6 intellect, and analytical ability, and, maybe most of all,  
7 I would look to dedication to the cause.

8 PANEL MEMBER DICKISON: One last question. What  
9 would you like to see the Commission accomplish?

10 MS. CENICEROS: District lines that make every  
11 person's vote count to the full extent that the law  
12 requires. I think that's the whole purpose. That's why  
13 we're here.

14 PANEL MEMBER DICKISON: All right. No further  
15 questions for me.

16 MR. DAWSON: Mr. Belnap.

17 VICE CHAIR BELNAP: Okay. Thank you for being  
18 here.

19 MS. CENICEROS: Thank you.

20 VICE CHAIR BELNAP: So you mentioned that you went  
21 to UC Davis, and I understand that you graduated with a  
22 bachelor in psychology, went on to get your JD from UC  
23 Berkeley. At that time, why did you decide to go into law?

24 MS. CENICEROS: That's a good question. I  
25 initially thought I would be a therapist or a social



1 worker, or in that really direct-delivery, helping-type  
2 profession. I did it, as an intern and as sort of  
3 underneath the supervision of, obviously, trained  
4 therapists and practitioners, and I think I realized that I  
5 got too emotionally involved, and that I didn't think that  
6 I was going to be able to do it and keep my sanity. I  
7 internalized other people's problems, basically. It was a  
8 very self-revelatory moment.

9           So now I had a degree in psychology, and I needed  
10 to know what to do with it if I wasn't going to go that  
11 way. I had always written very well, and I think someone  
12 suggested, "Lawyers need to write well, so maybe you should  
13 think about law school," and so that's what I did, and it's  
14 been the best decision I ever made.

15           VICE CHAIR BELNAP: So why do you think -- you  
16 backed out of that career that could have been social work,  
17 in that area of therapy, because you recognized that you  
18 would get invested too emotionally in others. Why do you  
19 think that's the case? Why do you feel like you're wired  
20 that way?

21           MS. CENICEROS: Probably my family background,  
22 probably seeing my parents struggle, seeing how it felt  
23 when there were layoffs, and so times were rough. At that  
24 point in my life, I didn't have the ability to distance  
25 myself. It's like being an emergency room worker. You

1 know, people have to, like, be able to categorize in order  
2 to be effective and get their jobs done, and I just didn't  
3 have it. I just didn't have the ability, at that point in  
4 my life, to be as professional as I needed to be.

5 VICE CHAIR BELNAP: So, since retirement, you have  
6 volunteered in a number of different ways. I don't want to  
7 go over any individual one of those. What I want to know  
8 is, how do you choose what volunteer opportunities to spend  
9 your time on? What's your deciding factor?

10 MS. CENICEROS: I want to change the world for the  
11 better, and if I got out on a beach cleanup for Save Our  
12 Shores, then I pick up a piece of plastic, and that little  
13 piece of plastic is not going to get in the gullet of a sea  
14 turtle and kill that turtle. It's very immediate.

15 If I docent over the harbor seal rookery, I can  
16 teach people how to appreciate these beautiful animals, and  
17 I can also keep them from climbing them over the fence,  
18 flushing them out in the ocean so that the mothers abandon  
19 their babies, so that, to me, I've made a good change in  
20 the world.

21 I do a Pay It Forward because I believe that if I  
22 influence this young person's life for the better, and if I  
23 can make a difference by keeping her in school, by  
24 encouraging her to graduate, and by launching her into a  
25 career, then I've made the world better in that way, too.

1           So my criteria is "Is this going to make the world  
2 a better place?" The one exception is golf. I golf, and I  
3 have volunteered at the U.S. Open twice, and at the AT&T.  
4 So I'm one of the people in the funny outfits, says,  
5 "Quiet, please," and I don't know that that makes the world  
6 a better place. It's just fun.

7           VICE CHAIR BELNAP: So, as a docent, have you  
8 experienced conflict or hostility, and, if so, how have you  
9 dealt with that?

10           MS. CENICEROS: People are really grateful for the  
11 education, and, again, I have to, like, turn on my  
12 (indiscernible) skills, because the passionate part of me  
13 wants to say, "Don't do that stupid thing, because you're  
14 going to harm the seal," but I suck it up, and I'm  
15 approachable, kind, respectful, and I offer the  
16 information, and, 99.99 percent of the time, people are  
17 very grateful for the information. They say, "I had no  
18 idea. I'll never do that again."

19           It can be something as simple as people wanting to  
20 take a picture of the harbor seals, so they lift their  
21 camera because they want to get above the fence, and that  
22 fence is in there, but they do that, and the seals alert.  
23 So, you know, it's gratifying, actually. People always say  
24 thank you.

25           VICE CHAIR BELNAP: Yes. I want to return to

1 question four, which is about a project that you had worked  
2 on, and there's a piece of it that I want you to put more  
3 emphasis on, and that was how you, in those projects,  
4 resolved conflict. So, in particular, you talked about the  
5 rooster control ordinance, and how there was a lot of  
6 opposition to the ordinance. So I would consider that  
7 conflict. How do you feel like you helped resolve that  
8 opposition or conflict?

9 MS. CENICEROS: It was not my decision what to put  
10 in the ordinance. The policy decision as to what the  
11 ordinance was going to require was the county officials'.  
12 So I resolved -- there were a lot of groups opposed to it,  
13 or wanting to change various aspects of it. I explained to  
14 the county the ups and the downs, and the legal aspects of  
15 what was being requested and what people wanted deleted,  
16 and so on and so forth, and then I deferred to their policy  
17 decision. I did not see my role as being the author. I  
18 might have been the one writing the words, but it was the  
19 county's, the county officials', decision. So I deflected  
20 the conflict by just explaining what the legal  
21 ramifications were.

22 In the Workforce Development situation, there was a  
23 lot of conflict. The employees' union was knocking on the  
24 door constantly of the board because they were concerned  
25 for job security by having to go through a public bidding

1 process, and so the way I resolved conflict there was to  
2 work with my client to just do it absolutely right.

3 I mean, the public bidding process was technically  
4 right, because we knew we were going to get challenged, and  
5 we did get challenged, and the challenge was not  
6 successful. So, in a way, it's always a failsafe, and I  
7 think it would be with the Commission, too, is just do it  
8 right, even if there's a lawsuit. The lawsuit won't  
9 succeed if it's done right.

10 VICE CHAIR BELNAP: So I want to follow up on a  
11 question that Mr. Coe had asked regarding communities of  
12 interest. I think what you stated is that you're not sure  
13 what that definition is.

14 MS. CENICEROS: Yes, yes. If you can help me, that  
15 would be great.

16 VICE CHAIR BELNAP: I'm not going to help you with  
17 the definition, but what I'm going to ask is a different  
18 question. So how familiar are you with the laws and  
19 regulations associated with voting rights? What's your  
20 training there?

21 MS. CENICEROS: I'm not that familiar. As I sit  
22 here right now, I am not that familiar. I have absolute  
23 confidence that I can learn it.

24 VICE CHAIR BELNAP: So, if you were selected to be  
25 a Commissioner, or even before then, how would you go about

1 learning it? What would be your process?

2 MS. CENICEROS: Well, I assume -- you can tell me  
3 if I'm wrong -- that a lot of the Commissioners will not  
4 bring with them -- they're bringing with them the raw  
5 talent, but they may not necessarily bring with them a  
6 wealth of knowledge of voting rights and such. So, if you  
7 educate Commissioners with written materials, with  
8 trainings and such, I'm all there. I need to learn this.

9 As a lawyer, I would probably read the Supreme  
10 Court cases on gerrymandering, so that I would know what  
11 not to do, and what kind of problems have arisen in drawing  
12 district lines. I would listen to public comment, and to  
13 my fellow Commissioners, and I would try to ascertain what  
14 was the legally appropriate thing to do if issues arose.

15 VICE CHAIR BELNAP: Okay. So I have no further  
16 questions.

17 CHAIR COE: Mr. Dawson?

18 MR. DAWSON: Yes. I have a few follow-up  
19 questions.

20 Ms. Cenicerros, I appreciated your answer to "Why  
21 law school?," because I think every lawyer has had that  
22 question posed to them, but I want to talk to you a little  
23 bit about your legal career. You were a clerk for Judge  
24 Karlton, which I assume was just across the street at the  
25 time. Is that right?

1 MS. CENICEROS: Yes.

2 MR. DAWSON: Yes.

3 MS. CENICEROS: Yes.

4 MR. DAWSON: And then --

5 MS. CENICEROS: I saw my old building right over  
6 there (indicating).

7 MR. DAWSON: And then you were a litigation partner  
8 in a private law firm, and then you went to work for the  
9 Supreme Court. What was it about going to work for judges  
10 that appealed to you?

11 MS. CENICEROS: I was ready to not litigate  
12 anymore. I was very tired. Litigation is -- it's like,  
13 when you say "hard work," you can't even imagine. It's  
14 like, way hard, and litigation would absolutely consume me.  
15 When I do something, I'm all in. And so I would be  
16 involved in a case, and getting ready for trial and that  
17 sort of thing, and it would be, you know, 12-, 14-hour  
18 days, day after day, weekends and such, and so I was tired.

19 I was looking for an advice and in-house counsel  
20 position where I could help avoid problems before they  
21 handled (sic). When you're a litigator, they've made the  
22 facts. The facts are what the facts are, and now you work  
23 with those facts, but I saw the role of being an advice  
24 lawyer as being preventative and very gratifying. I was  
25 also -- while I was a litigator, obviously also gave advice

1 along the way, but to be a pure advice lawyer seemed to me  
2 very attractive. Then the job opened up with the Judicial  
3 Council, which is the administrative arm of the Supreme  
4 Court, and yeah, it was a perfect fit.

5 MR. DAWSON: Was that in San Francisco or was that  
6 here in Sacramento?

7 MS. CENICEROS: At that time, they had a Sacramento  
8 office, and then, eventually, I worked out of the San  
9 Francisco office.

10 MR. DAWSON: And then what was appealing about  
11 moving to Monterey?

12 MS. CENICEROS: My husband and I had long planned  
13 to retire to Monterey. It's one of those places that felt  
14 like home to us, even at a very young age, and we spent,  
15 you know, a lot of time there, three-day weekends. We were  
16 tourists there many, many times, and at one point, he got  
17 the opportunity to work there. He's a civil engineer. He  
18 works in water quality for the state, and he got the  
19 opportunity to run a district office there in Monterey.

20 I talked to my boss, who was the general counsel,  
21 and said, "Can I work out of the San Francisco office, and  
22 can I telecommute?," because most of my job really involved  
23 research, writing legal advice letters and e-mails, and  
24 phone calls, and she said, "Sure. I don't want to lose  
25 you." So we just looked at each other and said, "Well,



1 let's go now. Why wait until we retire?" And it's been  
2 wonderful. It's a great place.

3 MR. DAWSON: So you talked about the attractiveness  
4 of being a lawyer who gives advice. I certainly know what  
5 you're talking about, but can you give us an example of  
6 when you've had to rely upon the expertise of others?

7 MS. CENICEROS: Well, IT, certainly. I couldn't  
8 have helped them if they hadn't done such an excellent job  
9 of educating me. Workforce Development Board was similar.  
10 Those are complex federal regulations governing what's  
11 called the Workforce Innovation and Opportunity Act. So  
12 the client taught me about the programs, and I in turn  
13 could assist them with the administration and legal  
14 compliance required by those programs.

15 I would say that almost everything I've ever done  
16 for any client involved the client helping me to help them.  
17 When I litigated, I worked with many experts in many  
18 different -- many experts in different fields, because  
19 litigation frequently requires expert testimony, and so I  
20 learned how to work with psychiatrists, with scientists who  
21 could testify about the dangerousness of consumer products,  
22 for example. It's just, I learned how to learn, and I  
23 learned how to be a good pupil.

24 I've been helped by many people, and I would say  
25 probably maybe the major, major time when I got help was

1 from Judge Karlton, because he was an incredible mentor.  
2 He taught me how to think, how to focus, how to write. He  
3 also kind of made me a little tough. He could be grouchy.  
4 I will say that I love the man, but he could be grouchy,  
5 and I just learned how to deal with life and get the job  
6 done. It was a great two years.

7 MR. DAWSON: So we've been talking a little bit  
8 about your legal career, and then, earlier, in one of your  
9 answers, you talked about how important it was to have a  
10 diversity of experience and perspective on the Commission.  
11 One of the observations has been that, among the remaining  
12 Applicants in the pool, lawyers, folks with JDs, are not  
13 underrepresented.

14 MS. CENICEROS: Really? How interesting.

15 MR. DAWSON: And what would be your response to  
16 that potential criticism?

17 MS. CENICEROS: Well, I think the criticism  
18 presupposes that people with JDs are all the same, and so  
19 there is not enough diversity because attorneys kind  
20 of -- we're all together, we're all the same. But I think  
21 that there's many kinds of lawyers, and there's many  
22 personalities in the law, and everybody comes from a  
23 different background.

24 So I don't see the fact that maybe a person has the  
25 same career as me means they're any -- means they're like

1 me. They could be very, very different from me. I think  
2 that's kind of a false criticism. It doesn't acknowledge  
3 the difference among lawyers, the differences among  
4 lawyers.

5 MR. DAWSON: I have no -- are there any follow-up  
6 questions from the Panel Members?

7 CHAIR COE: I had a follow-up question. Ms.  
8 Cenicerros, I wanted to go back to something you talked  
9 about in your answer to question two that was asked by  
10 counsel earlier. In terms of trying to protect against  
11 hyperpartisanship in the work of the Commission, one of the  
12 things you said was to avoid extreme debate. There's only  
13 so much that you can do to control that on your end. Other  
14 people could introduce it, potentially.

15 For example, when the Commission is traveling  
16 across the state to have public meetings with different  
17 communities, to understand their interests and to gather  
18 their perspective, somebody in one of those meetings could  
19 introduce some extreme debate or, somewhere along the way,  
20 somebody could introduce that into the process. How would  
21 you go about handling a situation like that in a public  
22 setting?

23 MS. CENICERROS: Well, I think first you need  
24 structure, so any public comment should have a limit. The  
25 county used two minutes, I think, but it could be any

1 reasonable amount of time, which would allow somebody to  
2 voice their opinions but, at the same time, respect the  
3 rights of other people to get their opinion in, too.  
4 Nobody gets to dominate the stage.

5 I think that the Commission chair, whoever that  
6 would be, needs to have a strong personality so that, if  
7 somebody starts becoming abusive, hurling personal insults,  
8 swearing, sweeping stuff off the table -- actually, that  
9 never happened at the county, but I've read cases about, in  
10 Brown Act cases, where people have gotten completely out of  
11 hand, and the chair has to exercise authority and say,  
12 "That's not appropriate. It's not what you're here for,"  
13 and just needs to have the person removed or tell them to  
14 stop it, and then, if they don't stop it, then they tell  
15 them they have to leave.

16 CHAIR COE: So are you defining an "extreme debate"  
17 as a matter of personal conduct, and not necessarily the  
18 content of --

19 MS. CENICEROS: No. Some people will very politely  
20 and respectfully express what I consider a really extreme  
21 view, and I think that they just get their airtime. I  
22 think you have to give them their day in court, so to  
23 speak. Sorry for the legal analogy, but if they get their  
24 two or three minutes, and they want to say something, I  
25 don't know -- I'm trying to come up with some absurd,

1 extreme notion -- California should secede from the  
2 Union -- they get to say that.

3 CHAIR COE: That's an interesting example because  
4 it's possible that, in visiting certain communities, that  
5 that might be an opinion, and there are a variety of  
6 opinions and perspectives, as we've talked about, and if  
7 there was a particular community that was speaking on what  
8 you would think would be more of an extreme end, and that  
9 was the input you were getting as a Commissioner, how would  
10 you -- what would you do with that input, and how would it  
11 inform your decision making?

12 MS. CENICEROS: I'm drawing on my experience of  
13 public hearings, basically, from the county, and for the  
14 most part, there's not a lot back and forth, and it's in  
15 the back-and-forth that people get really agitated.

16 So I see the role of the Commissioner to listen  
17 respectfully, to provide the person with their opportunity,  
18 but not necessarily to say, "No, California should not  
19 secede from the Union," or "California should do it," and  
20 if you start arguing, it probably doesn't do anybody any  
21 good. So there's a certain amount, I guess, of aloofness  
22 and control of the hearing that the Commission needs to  
23 exercise.

24 CHAIR COE: Great. Thank you. I don't have any  
25 additional questions.

1 Ms. Dickison?

2 PANEL MEMBER DICKISON: So I want to follow up on  
3 what Mr. Coe was asking. How would you ensure that, in  
4 those situations, the public knows they were heard?

5 MS. CENICEROS: Well, I would say it out loud, "I  
6 hear you." I would ask follow-up questions. I would ask  
7 for explanations. I would not interrupt. I would make eye  
8 contact, lean forward in my chair, and make that person  
9 feel listened to.

10 PANEL MEMBER DICKISON: Thank you.

11 CHAIR COE: Mr. Belnap, any follow-up?

12 VICE CHAIR BELNAP: No, I don't.

13 CHAIR COE: Mr. Dawson?

14 MR. DAWSON: So we have 15 minutes remaining in the  
15 90-minute period. Ms. Cenicerros, would you like to make a  
16 closing?

17 MS. CENICEROS: No. I think you know who I am at  
18 this point. I have sat where you're sitting, and  
19 interviewed people, and made selections, and I know how  
20 hard it is from your point of view, too. I know you're  
21 doing a lot of hard work, and so thank you very much. I  
22 was really flattered to get chosen for an interview, and I  
23 appreciate so much being able to come here and talk to you  
24 all and meet you all, and thank you for your hard work.

25 CHAIR COE: Thank you, Ms. Cenicerros.

1 MS. CENICEROS: Sure.

2 CHAIR COE: We appreciate you being here.

3 Next interview begins at 10:45. We will be in  
4 recess until 10:44.

5 (A recess was held from 10:15 a.m. to 10:43 a.m.)

6 CHAIR COE: Okay. I'd like to bring this meeting  
7 back to order.

8 I'd like to welcome at this Mr. Ravinder Shergill.  
9 Did I pronounce that correctly?

10 MR. SHERGILL: Correct.

11 CHAIR COE: All right. Thank you very much.

12 Mr. Dawson, would you ask the standard questions,  
13 please.

14 MR. DAWSON: Thank you, Mr. Coe.

15 Mr. Shergill, I'm going to ask you a series of five  
16 questions we're asking each of our Applicants. Are you  
17 ready?

18 MR. SHERGILL: Yes.

19 MR. DAWSON: Thank you. What skills and attributes  
20 should all Commissioners possess? What skills or  
21 competencies should the Commission possess collectively?  
22 Of the skills, attributes and competencies that each  
23 Commissioner should possess, which do you possess? In  
24 summary, how will you contribute to the success of the  
25 Commission?

1 MR. SHERGILL: Well, good morning, everyone, and  
2 thanks for having me here.

3 The skills and competencies for each of the  
4 Commissioners or all the Commissioners, some are very  
5 obvious: fairness, analytical ability, and appreciation of  
6 geographical and demographical diversity. Those are pretty  
7 obvious, and we all understand that, but I think there are  
8 a few others as well.

9 An ability to deal with complexity. As I've looked  
10 at what's involved, the great deal of complexity to this,  
11 great deal of nuance that goes with that complexity, that's  
12 very important, that you are able to deal with it, also  
13 requires a lot of range. You've got to keep the bigger  
14 picture in mind, overall, of the larger, let's say, just  
15 thinking of geographical differences of the state, all the  
16 way down to the neighborhood level and communities of  
17 interest that are actually very difficult to pin down  
18 sometimes and tell apart.

19 Communication skills, super important for the  
20 deliberations of the Commission itself, and from the way it  
21 seems, the length of it and so forth, some stamina to stay  
22 with it and go through with it all. So, I think a lot of  
23 them that are required is actually quite a challenge.

24 Collectively, I don't think there's anything more  
25 important for a group to really come together and have a



1 shared purpose, a deep sense of a shared purpose that we're  
2 there for. That then builds some trust and faith in each  
3 other, and if you don't have that, if you don't have the  
4 strong belief in the ultimate objective that you're there  
5 for, it's difficult then to come to many, many compromises  
6 that you have to strike. So, collectively, I think the  
7 group has to come together as a group, you know, that way,  
8 and there's a lot of team dynamics and team psychologies  
9 involved in that, so, hopefully, that will happen.

10           Now, of those, what do I have? Analytical ability  
11 is the easiest one for me to claim, with my engineering  
12 background, 36 years of career that way. You can't help,  
13 if you weren't an engineer going in, by the time you're  
14 well into it and by the time you're done, you're an  
15 engineer, and that means very data-driven and very  
16 analytical, to a fault sometimes, as my wife and my  
17 daughters can attest.

18           But then something that's more rare is a  
19 combination of that with social skills and communication  
20 capabilities, and I think I've had that. I was able to  
21 show that in my career. I started off as an individual  
22 contributor engineer, but then moved over into the  
23 management side. I spent three-quarters of my career  
24 working with customers, working with other stakeholders,  
25 and so forth, out in the community of engineers in our

1 industry, did talks at trade shows, you name it, all kinds  
2 of things that required a lot of interaction with people.

3 Working with customers to define a very advanced  
4 next product is a very difficult thing. There's a lot of  
5 technique involved in that, in separating the facts from  
6 the emotions and unrealistic expectations that many  
7 customers have, things of that kind. So, you know, having  
8 learned that over all those years, that gave me a good  
9 combination of the two things.

10 I also, just by my nature, have a deep sense for  
11 fairness and justice. I think it's difficult to instill  
12 that in a person if it wasn't instilled in you in your  
13 upbringing, in your basic value system. I've had it. I  
14 thank my parents and the community around me for that.

15 So you'll have to take my word for that. I think I  
16 have that. I've shown it throughout my career, in that you  
17 can't manage large groups and large teams, and work at a  
18 Silicon Valley company for 31 years, where people lose jobs  
19 and move from jobs on an almost yearly basis, if you didn't  
20 have that, and you didn't have that reputation. I worked  
21 for a Fortune 500 company, and I was known for that.

22 Then the issue of the cross-functional teams,  
23 that's a very important one, and I was part of many and led  
24 many. I'll go into it in an answer to another question in  
25 more detail, but cross-functional teams were something that

1 the Silicon Valley instituted well ahead of the rest of the  
2 industry, and so forth. So I've been through that a great  
3 deal, and I know how to work with people that come at it  
4 from different points of view, and then you have to, you  
5 know, come together in spite of that.

6           Also, I think, on the technical side, I think I can  
7 come to speed on the GIS system. It's been very  
8 interesting to me. I haven't gotten into it a great deal,  
9 but I think, as I deal with it and go for it, I think I'll  
10 come up to speed with it pretty well. There are other  
11 things as well, just the general case of data  
12 visualization, not just the analysis, but how do you  
13 visualize data? And in this case, there's plenty of data  
14 to be coalesced, and then inspected, and so forth.

15           Well, you can be led astray by data. I mean,  
16 there's staff. There are going to be experts who are going  
17 do the work and yeoman's task of presenting it to us, but  
18 you have to be able to ask some pointed questions to really  
19 cut through it sometimes and confirm that what you've been  
20 showing is actually accurate. It's very easy, I believe,  
21 to dazzle people with a lot of fancy visualization  
22 techniques, and if the data underneath was not handled  
23 properly, then, you know, you can totally be led astray.  
24 So I think that's really important.

25           How will I make sure that the group -- how will I

1 contribute to the success of the Commission? Well, we have  
2 to make sure of certain things. So we have to take all  
3 relevant input. We can't be too exclusive or exclusionary  
4 at the start, and that's, I think, where a lot of the  
5 challenge is. How do you open it wide, and then narrow it  
6 enough as you go along, to not do it wrong in either  
7 direction?

8           You have to inspect it all, you have to distill it,  
9 you know, and you have to be quantitative. When you listen  
10 to the public, you have to have more of a qualitative hat  
11 on. You have to look at people's emotions. You have to  
12 understand those things. But then, at the end of the day,  
13 you have to start looking at the quantitative aspects of  
14 it. You have compliance with the law.

15           If I can make sure, as part of this Commission,  
16 that I'm driving it that way and helping people in that  
17 way, my sense from my experience says that somehow you have  
18 to constantly kind of herd everyone together and keep them  
19 on that path, and I think that comes from first being open  
20 and really accepting, but then also remembering that we  
21 have to be very quantitative, and we have to look at the  
22 evidence that is most believable as well.

23           So that would be a good thing that I believe I  
24 could do, and then what I just alluded to in terms of  
25 dealing with the data and making sure that we're not being

1 led astray by that. I think that's another thing I could  
2 probably do for the Commission very well.

3 MR. DAWSON: Thank you.

4 Question two: Work on the Commission requires  
5 members of different political backgrounds to work  
6 together. Since the 2010 Commission was selected and  
7 formed, the American political conversation has become  
8 increasingly polarized, whether in the press, on social  
9 media, and even in our own families.

10 What characteristics do you possess, and what  
11 characteristics should your fellow Commissioners possess,  
12 that will protect against hyperpartisanship? What will you  
13 do to ensure that the work of the Commission is not seen as  
14 polarized or hyperpartisan, and to avoid perceptions of  
15 political bias and conflict?

16 MR. SHERGILL: In terms of what characteristics I  
17 possess, I think the first thing is that I actually  
18 recognize this as a huge issue. I've been observing, like  
19 most people, what's been going on, and I believe it's a  
20 very serious situation, and I think it's come about because  
21 of -- I think it's underestimated -- the impact of the  
22 Internet. As much as we know that that's part of it, I  
23 think that's very much the reason for it.

24 We're at an inflection point in humanity's history  
25 at the level of Guttenberg's press, and the radio, and then

1 television, and then now the Internet, and I think that's  
2 very much the cause of it. So, in terms of what  
3 characteristics, one, I recognize that.

4           Number two, I've done a good deal of thinking about  
5 it, and thought about how you can avoid that or how you can  
6 deal with it. So I believe the first thing is, you've got  
7 to let people get the emotions out of the way. A lot of it  
8 is, people have just got to get things off their chest.  
9 Suppressing speech, I think, is the worst idea in any of  
10 that.

11           So let them get it off their chest, but then, if  
12 you can bring people to a common platform -- and that  
13 starts with the facts -- if we work off of the same set of  
14 facts, I doubt reasonable people will veer off into the  
15 weeds, as we see it happening so often.

16           In this case, that's very important. It's very  
17 much possible, with the tribalism that's going on in  
18 various people's lives these days, in this digital life we  
19 live, that we would start off with people coming from very  
20 different standpoints, and part of the reason would be not  
21 that they lack reasoning and so forth.

22           After going through this process, I think you're  
23 going to find very good people that are very reasonable and  
24 rational in their thinking, but they may be coming off of  
25 different facts, maybe not entirely different facts, but

1 quite a bit different that it sends them off in different  
2 directions right from the get-go.

3           So that appreciation that I have, and the ability  
4 that I have to bring people in, and make the facts  
5 paramount -- "evidence," let's call it, not just "facts,"  
6 but that's just probably a better word -- I think that  
7 helps a great deal, and I think I'll be able to do that.

8           How to avoid the -- what will I do to -- "is not  
9 polarized or" -- "avoid perceptions" -- that's a key word,  
10 because I was thinking about this. The work of the  
11 Commission is quite public. There's a lot of deliberative  
12 aspect to it, but then there's a lot of public aspect. So  
13 your perceptions, how you're perceived by the public, the  
14 people you're interacting with -- and after going through  
15 it, I'll find out more about it, but I've got to believe  
16 that you're going to be under a microscope. That  
17 perception is very important.

18           How to deal with that would be to make sure that  
19 we, as a group, constantly keep in the front of our mind  
20 that we are deliberative, that we are careful in sticking  
21 to a protocol, and not reacting to emotion with emotion,  
22 you know, the adult behavior that is kind of expected that  
23 we actually produce. And so I believe there's no other  
24 way, then, to manage that, manage it very much hands on and  
25 on an ongoing basis. So I think that's the way it will

1 have to be dealt with.

2 MR. DAWSON: Question three: What is the greatest  
3 problem the Commission could encounter, and what actions  
4 would you take to avoid or respond to this problem?

5 MR. SHERGILL: Well, the biggest or the worst thing  
6 that I could imagine was that you just have a rogue  
7 Commissioner, or someone that just, you know, creates  
8 trouble, you know. We've seen films like the Twelve Angry  
9 Men and so forth, and where one person can totally change  
10 the chemistry of a group, but I really doubt that's going  
11 to happen.

12 Even though that's probably the worst thing I can  
13 imagine, I don't think it's going to happen. The first  
14 Commission did very, very well, from everything I've heard.  
15 People really did come together and so forth. There may  
16 have been more differences behind the scenes than we know,  
17 but still, you know, nothing crazy happened. So I don't  
18 think that's the concern.

19 What's more plausible is that I fear that, in a  
20 group of 14, factionalism can develop. So how to control  
21 that would be the big thing, and the thing to do there is  
22 to recognize it early on, to be watching for it, and deal  
23 with it very early on, and, again, it goes back to what I  
24 just said in answer to the previous question, that you have  
25 to stay on top of it and you have to manage it, but that



1 would be a big concern for me. Maybe I'm being a little  
2 too concerned about that, but I've been on a lot of teams,  
3 and I've seen those that didn't go right, and so that's my  
4 reason for saying that.

5 Another one that could happen --

6 MS. MOLINO: Fifteen minutes.

7 MR. SHERGILL: -- okay -- is this thing about  
8 communities of interest. How to determine that, it seems  
9 to me, after reading the report -- or I only read the  
10 summary of the League of Women Voters' report -- how do you  
11 balance the input from the public versus the data that,  
12 hopefully, is there? For the first Commission, it was  
13 lacking, but maybe now we will have a little more evidence  
14 and database to identification (sic), or some tools  
15 available, how to balance those two, and to really do a  
16 good job of determining where the communities of interest  
17 are and how they balance out. That will be a big one.

18 MR. DAWSON: Question four: If you are selected,  
19 you will be one of 14 members of the Commission, which is  
20 charged with working together to create maps of the new  
21 districts. Please describe a situation where you had to  
22 work collaboratively with others on a project to achieve a  
23 common goal. Tell us the goal of the project, what your  
24 role in the group was, and how the group worked through any  
25 conflicts that arose. What lessons would you take from

1 this group experience to the Commission, if selected?

2 MR. SHERGILL: So I mentioned before that, working  
3 in my career, I worked with a lot of team settings. When I  
4 started out in that field, things were much more  
5 hierarchical. You had organizations, and each organization  
6 had their domain, and they jealously guarded that domain,  
7 but, at the end of the day, as a company, you produced one  
8 product, and you had one set of customers, and they all  
9 shared, very similar to what we're trying to do here, and  
10 yet there are these domains, and then they would internally  
11 fight off each other.

12 Around the early 1990s, we went through a great  
13 transformation, and that was to institute cross-functional  
14 teams that cut across boundaries. The power of the  
15 managers was lessened, and the teams were energized and  
16 given power within themselves. So, without going into too  
17 much of that, a lot of that I think I can point to.

18 To give you one example, though, I did something  
19 more than a typical engineer did, such as myself or a  
20 manager did, and that was that I participated a great deal  
21 in standards committees. Standards committees in high tech  
22 are super important. If you just think of, to give you a  
23 quick example, the JPEG files and the PDFs that we're  
24 looking at together, those are standards.

25 PDF, for example, when it began in the early '80s,

1 was the ownership of one company, and then Apple adopted  
2 it, but the PCs, the IBM, would not, and so, for a  
3 while -- there was no such thing as Windows at that time.  
4 It was DOS. But PDF was only possible to be viewed on  
5 Macintoshes.

6           At some point, the people slowly converged on it,  
7 and through the '80s, we became more open to what we call  
8 "open standards," and from that has come so much today that  
9 makes possible the fact that you can pick up a phone made  
10 by one company or another, doesn't matter. People can send  
11 you attachments that all open. You know, all these things  
12 are based on standards.

13           So I did a lot of work on that. My company was a  
14 Fortune 500 company, and I was their main representative on  
15 several standards committees. The best one that you would  
16 know is the USB standard. I worked on the original USB  
17 standard, along with Intel, Microsoft, my company, Compaq,  
18 NEC, four or five of us. So the goal of the project in all  
19 those cases is to come up with something that we can all  
20 abide by, and then we'll follow.

21           The problem with that -- and you asked about a  
22 conflict -- the conflict is built-in. Every company comes  
23 together wanting to get an unfair advantage. That's what  
24 you do as a company. You look for an advantage, within the  
25 law. Right? That's what it's all about. You're not

1 egalitarian that way. You're trying to make a profit, and  
2 so you're looking for a way to give yourself an advantage.

3           You go into the standard committee meetings, and  
4 everyone, you imagine, is at cross-purposes, but that's  
5 known. So you deal with it, and you say, "All right.  
6 Good. How are we going to deal with it?" We're going to  
7 go through by "Present your proposal, and the rest of us  
8 will peer-review it. We'll shoot darts at it, and we'll  
9 work it out." So we do this day in, day out. There are  
10 many, many cases I can go through, but USB would be one,  
11 but 1394, what became known as FireWire, that's probably in  
12 this camera. It's a digital connection for video.

13           All these things required coming together in spite  
14 of the conflict we all knew we had, in spite of the fact  
15 that everyone is trying to gain advantage, but we, by  
16 hearing everyone out, letting everyone bring their  
17 proposals, by doing the peer review, criticizing it  
18 correctly, trying to eliminate the fact that, you know,  
19 this company might be aligning with that and so forth,  
20 things of that kind -- we went through all that -- by being  
21 systematic about it, by being procedural, by being fair in  
22 how we dealt with it, we were able to go through it and  
23 produce many, many useful standards.

24           MR. DAWSON: Thank you. I want to make sure that  
25 you have an opportunity to answer the fifth question, and

1 then each member will have 20 minutes.

2 Question five: A considerable amount of  
3 time -- excuse me. A considerable amount of the  
4 Commission's work will involve meeting with people from all  
5 over California who come from very different backgrounds  
6 and a wide variety of perspectives.

7 If you are selected as a Commissioner, what skills  
8 and attributes will make you effective at interacting with  
9 people from different backgrounds and who have a variety of  
10 perspectives? What experiences have you had that will help  
11 you be effective at understanding and appreciating people  
12 and communities of different backgrounds and who have a  
13 variety of perspectives?

14 MR. SHERGILL: Skills and attributes. I think, in  
15 order to appreciate people and their backgrounds and what  
16 their beliefs are, you have to have good listening skills.  
17 You have to have good communication skills, not just what  
18 you say, but how you listen, and I believe I have that.  
19 That's a big one, and I believe I -- just simply, I would  
20 have to claim that I have it.

21 Attributes. You have to appreciate that people  
22 express themselves differently. I keep going back to my  
23 career, but that's the biggest thing I can point to. I  
24 immigrated to this country with my mom. Our whole family  
25 did, and I was a teenager at that time. Part of my

1 upbringing is in the Punjab region of India. I'm a Sikh  
2 from Punjab. So I had a good deal of my formative years  
3 there, but then I still had more formative upbringing that  
4 occurred here.

5 I went through school. I lived in San Francisco,  
6 went to the colleges, moved over to the Berkeley area for  
7 the university, so mostly I knew people in that area. I  
8 knew some urban interactions, university interactions, and  
9 so forth. Then I go to work in Santa Clara, which, in  
10 those days, used to seem like a different world, not just  
11 one Bay Area.

12 It used to be a really different area, and I was  
13 surprised by the diversity of the workforce there. Why?  
14 Because Silicon Valley has always been very diverse. At  
15 that time, it was diverse more within the United States,  
16 but it was very diverse, and with time, it became more and  
17 more international, but it's always been a diverse  
18 workplace.

19 So I learned through that experience, and over the  
20 years, that people can say the same thing and, depending on  
21 where they're from, they actually mean something different.  
22 There are cultures where they'll say, "Yes, yes, yes," as  
23 you're talking, and they really don't mean "Yes." Okay?

24 You have to appreciate that. You have to  
25 understand that, and you have to ask follow-on questions,

1 and maybe not assume so much. And so there are a lot of  
2 those aspects that I think that you have to appreciate, and  
3 I learned them through my work.

4 I also, as part of my work, I hired a great deal.  
5 I dealt with colleges, because I hired from colleges as  
6 well, new graduates. So I went up and down, I mean, Cal  
7 Poly and San Luis Obispo. Some places I went a great deal,  
8 even outside of the state, Oregon State, up in Corvallis,  
9 down in Southern California, Davis here. My own alma  
10 mater, I would go there, Berkeley. And so, you know, that  
11 took me to a lot of places. My customers were all over the  
12 place. I've gone up and down the state in visiting  
13 customers.

14 Then I mentioned my ethnic background. I was  
15 fortunate in one sense, that as I got deeper and deeper  
16 into my American life, I did not let go of my ethnic side.  
17 I stayed in touch with the Punjabi people. Now, Punjabi  
18 people, if you know anything about them, they're found in  
19 all walks of life, professionals. They can be engineers  
20 and doctors and businessmen, but the area that they are  
21 best known for is farming and military, some military and  
22 law enforcement as well, but farming is a big deal.

23 So I have friends and relations up and down the  
24 Central Valley in the farming community. I know what the  
25 farmers of the Southern Valley are feeling in terms of

1 losing their water rights. I also know that farmers in the  
2 north side of the Valley, up in the Sacramento Valley,  
3 Marysville area, Chico and so forth, that's not nearly the  
4 concern for them, and yet they have other concerns,  
5 farming-related, that are important to them.

6 I know what the small businessman feels. I know  
7 what the trucking industry feels greatly. A lot of  
8 Punjabis are into trucking, and I got to know them in the  
9 last couple of years. Small trucking company owners have  
10 their concerns. Well, the drivers have their concerns. So  
11 I've seen that.

12 Because of some of my friends who always lived up  
13 in the mountains, in the Grass Valley area all up to Lake  
14 Almanor area, I've delved in that area. I know what people  
15 that are semi-retired or living out there, what they feel  
16 like, and even the State of Jefferson-type folks who feel  
17 that they have been totally ignored, and now there's a new  
18 movement as well called the "New California" movement,  
19 again, same thing, people on the eastern side of the state  
20 who feel that they are not being listened to in Sacramento.

21 So, up and down the state, I've listened to folks,  
22 and, of course, the very up-to-date, modern, millennial  
23 culture of the Bay Area, of the Silicon Valley. That, of  
24 course, I know because I've lived in it. So I think all  
25 those things would add up to say that I'm good (sic). I



1 also have a very good, deep interest in history and  
2 geography. That's where a lot of that comes from. My  
3 travels and knowing people comes from that.

4 I'm a voracious reader of history of all sorts, and  
5 United States history, the founding fathers, and then, at  
6 this point, the state of California, which, to me, has  
7 become only more important, as I see the way things are  
8 unfolding, trying to learn from the history something that  
9 will tell us where we're going next. So I think all of  
10 that adds up to what I can present and bring.

11 MR. DAWSON: Thank you.

12 Now each of the Panel Members will have 20 minutes  
13 each to ask questions, and Mr. Coe, as Chair, you are  
14 first.

15 CHAIR COE: Thank you, Mr. Dawson.

16 Mr. Shergill, you have touched on a little bit  
17 already, and in your essays, something that I noted, your  
18 immigration to the United States when you were 17, I think  
19 is what you said --

20 MR. SHERGILL: Right.

21 CHAIR COE: -- in your application. That's a  
22 pretty big change, to come into a completely different  
23 country after spending your entire childhood and more  
24 formative years in a different culture. How do you think  
25 that that will be of benefit to the Commission, that

1 perspective of having grown up in one place, come to a  
2 completely different place? How do you think that would  
3 help the Commission, if you were a member on that 14-member  
4 Commission?

5 MR. SHERGILL: I think it would help in the sense  
6 that, having lived in both domains and, more than that,  
7 trying to reconcile the two sides, that is an ongoing  
8 process. There is no one way about that. Everyone tries  
9 to find the comfortable area for themselves between those  
10 two things. I have an appreciation for both sides. In my  
11 own life, the way I married, where I lived, where I raised  
12 my kids, and everything that I did, I've tried balancing  
13 both sides, and I think the same thing is true with this,  
14 that maybe the word "balance" is a very critical word in  
15 all of this.

16 We try to balance a lot of things, and I think, if  
17 you haven't had to balance those things, not just in a  
18 technical and data-driven sense, but also in terms of  
19 people's emotions -- because, as we know, when it comes to  
20 voting, a lot of it is not just the data, but it's, do  
21 people feel that it matters for them to vote, to start  
22 with? If they feel that just "What does it matter?," well,  
23 the maps aren't going to help us then. The technical  
24 aspects aren't going to help us.

25 So we want to make the -- the way we configure

1 things, we want to make them in a sense that will make  
2 people feel as well that they're included, and I think that  
3 comes from that, is to be able to strike that balance, to  
4 be able to encourage people, while also saying, "Yes,  
5 that's all true, but there's also these realities." Right?  
6 There's no further I can take it from there than to say  
7 that that balance is super important, and, having lived a  
8 life where I had to balance those things, I think that  
9 helps me.

10 CHAIR COE: You mentioned the emotional side of it,  
11 how people feel about something. You think that that  
12 experience of having grown up in one place and come to a  
13 different place gives you a keener sense on being able to  
14 pick up on those types of things, the more emotional side  
15 of people, and how they think and work in different places?

16 MR. SHERGILL: Yes, it does. It also, I think,  
17 allows me sometimes to cut through some things that folks  
18 of the ethnic side might be saying it in a way that  
19 actually may not be interpreted correctly if you hadn't  
20 dealt with and heard that many, many times, and understood  
21 that they're saying that, but they're also ignoring  
22 something else, or that they're saying this when they  
23 really mean this.

24 So there's that type of stuff as well, but I think  
25 those are the -- that's the big thing. Of course, the

1 appreciation for the ethnic experience and the immigrant  
2 experience, that's a big part of it as well, and that's not  
3 just to be in a condescending manner, but that is in a very  
4 realistic manner, in my case, you know, more of a  
5 wide-open-eyed type of person who's a lookout for -- I  
6 don't want to be played, because I feel that many times  
7 people will just toss things out and so forth. So yes, I  
8 think that my experience, I think, has given me a lot of  
9 that.

10 CHAIR COE: In your essay on impartiality, you  
11 provide a few more high-level examples of experiences you  
12 had that you had to be impartial, with your work with a  
13 civic group. You mentioned your work in the Boy Scouts,  
14 voter registration drives. Can you provide us with a  
15 specific example or a couple of specific examples of when  
16 you had to practice impartiality that required you to  
17 really kind of go against, maybe, your preference or your  
18 interest?

19 MR. SHERGILL: Well, the political group that I  
20 mentioned, it's a group by Sikh-Americans in this area  
21 trying to increase the civil participation of the Sikhs in  
22 the American political process. That is necessarily  
23 bipartisan, and so the gentleman who had been managing it  
24 before I became involved -- I became involved once I was at  
25 the retirement point in my life and I could give it more

1 time -- he is as strong a Democrat as you can imagine, and  
2 I'm a Republican, and they do an annual gathering, and  
3 invite a number of elected officials, as well as the  
4 community, to come and talk and give, you know, their  
5 opinions on various matters.

6 I had to work with him a great deal. We decided  
7 that, you know, "Why don't you go after these public  
8 officials on the left side of the aisle, and I'll go after  
9 these folks, and work together to bring in and make this  
10 event successful," with the common concern being that we  
11 want good participation from both sides, and we want our  
12 folks to listen from both sides, and make their own  
13 decisions. So that's one example. So that was 2018, early  
14 2018, when I really got into it a great deal.

15 I mentioned the Boy Scouts. You know, your own son  
16 is in there, and then your son's friends that he grew up  
17 with are in there, and then, as you go along in Scouts,  
18 more and more boys come in, and there are others that are  
19 not part -- you know how it is with boys. There's this  
20 group, and then there's another group, and there's another  
21 group.

22 As a leader, you have to cut through all that. You  
23 have to be -- Boy Scouts have all these moral principles  
24 that we strive to instill in boys, and none of those matter  
25 if any boy realizes that, number one, you're not being

1 fair, and since your own son is involved, that is probably  
2 the first thing in their mind.

3           Raising my own kids, I've seen that your own  
4 children are constantly judging you as to whether you're  
5 fair to them or not, "Are you favoring my sister more than  
6 me?," right, and certainly as to a pack of boys, and if you  
7 want to give an example, there's so many of those things.  
8 The time that we were camping in Camp Noyo up near Fort  
9 Bragg, you know, my son was the boy that decided to bring a  
10 knife to that gathering that was way over the regulation  
11 size. Right? He had to be disciplined.

12           The leader, the other leader who was in charge that  
13 day, wanted me to do that, "It's better that you do that,  
14 because your son is involved," and I had to step up and do  
15 that, and I had no concern doing that, because that's  
16 absolutely -- in fact, I had to moderate myself so I'm not  
17 overly harsh to my own son.

18           Most people would let the other leader do that, but  
19 in that case, for whatever reason, it fell upon me, and I  
20 had to do that, and there are so many other examples of  
21 that, but they're all of that caliber. They're small  
22 things, but I think, to a boy, those are big things.

23           CHAIR COE: So, in your application, and through  
24 some of your responses already, you talked about having met  
25 and worked with a diverse group of people in many different

1 parts of the state. What would you say is the biggest  
2 lesson you've learned about the perspectives of different  
3 people that you have encountered and worked with throughout  
4 your career and your life?

5 MR. SHERGILL: Biggest learning, did you say?

6 CHAIR COE: The biggest thing you've learned about  
7 all these people and the different perspectives that they  
8 bring.

9 MR. SHERGILL: Well, the biggest thing would be  
10 that, deep down, we're all the same, that deep down, your  
11 fundamental needs and what you expect from the world around  
12 you are actually way more similar than what we carry on the  
13 surface.

14 I think that's the biggest thing, but also the fact  
15 that if you don't bring that out, it is actually very easy  
16 for people to, right from the start, just go off on  
17 different tangents, and that's why I go back to the word  
18 "balance," that, you know, you have to let people -- if you  
19 try to say that saying, "Hush up. You know, you're just  
20 complaining, and it's not a big deal," or "Let's just  
21 suppress your right to say that," it doesn't work, and  
22 neither is that the American creed, that we should suppress  
23 anyone's opinions, but what we've got to do is bring them  
24 to a similar platform of facts, same shared facts that  
25 are -- and that's one of the problems that we have, is that

1 we don't have that many governing authorities left anymore,  
2 trustable authorities, who can say, "These are the facts."

3 But, if we can do that, then I think, once  
4 you -- even this thing about where you instill in people  
5 the "we" -- one of the things in teams was to make sure  
6 that people, first of all, feel that we are in one boat and  
7 rowing in one direction, right? And that comes down to  
8 even the way you express yourself, how often you use the  
9 word "I" versus "we," and so on, and how often you project  
10 and visualize for folks, which is a key aspect of  
11 leadership, is "Where are we going? This is where we're  
12 going." Right? When you do that, I think that inner needs  
13 actually dominate, which, like I said, are more common, and  
14 that's one of the big things that I learned.

15 CHAIR COE: Earlier you were talking about  
16 communities of interest, and that's going to be a real  
17 important aspect of the Commission's work, but one of the  
18 challenges for the 14 members will be identifying those  
19 communities of interest. How do you think the Commission  
20 should go about identifying communities of interest?

21 MR. SHERGILL: Well, I only started thinking of it  
22 now, preparing for this, in the last, let's say, two or  
23 three days. It seems like there are two main ways. One is  
24 all the public hearings, right, listen to people directly,  
25 but, also, I think I read that the total number of



1 individuals that spoke in front of the 2010 Commission was  
2 like 2,700, some number like that, amazing number, and  
3 amount of hours they spent, or days and weeks and months  
4 they spent, listening to that.

5           That has a risk in it, two risks, actually. One is  
6 risk of just the size. When you pile up so much, it's very  
7 difficult, then, to pull out of it the relevant aspects.  
8 Second is, you can be played. This is a very sensitive and  
9 critical function. This is something that the entire  
10 country has difficulty managing, the issue of  
11 gerrymandering, and the self-interests are out there. They  
12 haven't gone away.

13           You know, I think we picked the right thing by  
14 going this path, but the interests are out there. So how  
15 do I know that they are not behind the scenes in some  
16 cases, few cases, not all the cases? But they're  
17 professionals at it. They could do a very good job of it.  
18 So one side is that method, right, but that is not  
19 something we can shut down or ignore. It's actually very  
20 important.

21           The other comes down to the other type of  
22 capability that we either have or don't have. I don't know  
23 how far along we are, or we will be after this census. The  
24 summary that I read from that report was that it wasn't  
25 there. The census data was much more -- I don't want to

1 say the word "crude," but it was much more the core data of  
2 the numbers and the typical metrics that are always there.  
3 But the things that would identify communities of interest,  
4 which become pretty nebulous at its farthest reaches, when  
5 you look at the definition of a community of interest, will  
6 we have that type of data? And if we can, I would love to  
7 bring that in as much as possible.

8           So my approach, if you -- those are the two things.  
9 Well, the third thing, you bring yourself, right? You  
10 already know certain communities of interest, and,  
11 hopefully, collectively, when we put a group of 14 together  
12 that are diverse in themselves, then they will bring,  
13 collectively, a lot of sense of that. But the first two, I  
14 would want to balance the two out, and probably give the  
15 more primary position to, still, the public input, but take  
16 the other data, hopefully, that is useful to fill that in  
17 and try to improve it.

18           I think, going the other way, we take a bigger  
19 risk, which is that, if the big data presents something to  
20 us for the first time, can we really believe it as a  
21 starting point? You know, whatever you start with can  
22 pretty much set you, can orient you in a certain way, and  
23 then it can be very difficult. So, yes, I think those are  
24 the ways I can think of.

25           MS. MOLINO: Five minutes.

1           CHAIR COE: One final question for you. What  
2 aspects of the role of a Commissioner do you think that you  
3 would enjoy the most, and, conversely to that, which do you  
4 think you might perhaps struggle with?

5           MR. SHERGILL: Well, what I would enjoy the most  
6 would be the success that I will strive for. All through  
7 my career, I've been driven by wanting to make something  
8 succeed. If I wasn't bought into something, it was no  
9 point in having me be involved in that, and I'm thankful so  
10 the Silicon Valley that it allowed you -- that if you  
11 weren't, you know, energized by something, you could always  
12 leave that and go do something else. I have to be  
13 energized. I have to feel that we have a great chance of  
14 success, and that it's super important.

15           So, if I'm in there, and feeling that yes, we can  
16 come together, and we're going to drive this to success,  
17 meaning that I'm looking at the outcome of the previous  
18 Commission -- and I think it's already been a success  
19 compared to what we had before, so definitely a success.  
20 Our maps look a lot better today, to me, anyway, than they  
21 did before. I remember the previous ones, and what  
22 convolutions some of those things were, but they can be  
23 improved, I'm sure. There are folks out there, and, of  
24 course, the movement and changes that take place in 10  
25 years.

1           So the fact that we can improve things, come up  
2 with a method that is actually going to produce a product  
3 that is going to be as accurate and as acceptable as we can  
4 produce, and the greatest thing for me would be if other  
5 states start adopting this. I think some are, but even if  
6 we can more and more present a model, after two cycles of  
7 learnings, I think that would be most enjoyable to me, if  
8 we could do that.

9           What could be the thing that's going to -- well, I  
10 go back to -- well, the public input is huge, so I don't  
11 know what to expect from that, and it could well be that it  
12 becomes overbearing, frankly, but it has to be done. It's  
13 like the hard work that must be done.

14           But, to answer your question, I think that could be  
15 one thing, but the thing that would really bother me would  
16 be if we had internal dissention, and we had factionalism  
17 actually devolve, and that's why I go back to that, because  
18 I think that has to be managed hands on, up front, and in a  
19 proactive manner. I may be totally being too pessimistic  
20 on that, and maybe there's nothing to be concerned about,  
21 but, if you ask me from where I stand today, those are the  
22 kind of things I would worry about.

23           CHAIR COE: Okay. Thank you, sir.

24           Ms. Dickison.

25           MR. SHERGILL: Hi.

1 PANEL MEMBER DICKISON: Good morning.

2 MR. SHERGILL: Good morning.

3 PANEL MEMBER DICKISON: So I was looking at your  
4 application. One of the things that I note is that you  
5 founded and ran the Sikh-American Information Center.

6 MR. SHERGILL: Right.

7 PANEL MEMBER DICKISON: Can you tell me a little  
8 bit about that?

9 MR. SHERGILL: Yes. So, as I mentioned, I came  
10 here as a teenager, and I became fully engrossed in my new  
11 life. It was an exciting time for me in my life, actually.  
12 You know, there are the negative aspects of it, but also  
13 imagine the positive side of it, that particularly the few  
14 years before that were not great for me.

15 My father had passed away at a very young age, and  
16 that's the very reason that my uncle, my mother's brother,  
17 asked her -- he said, "The best thing I can do for you is  
18 bring your son to America, and give him a future. That's  
19 what I can do for you, because I'm here. I can sponsor  
20 you. You can come to do that."

21 Anyhow, for a 17-year-old to be dropped in the  
22 middle of San Francisco in the early '70s, and everything  
23 that was going on, it was a fascinating and great time for  
24 me, great. I've become more and more embedded in the  
25 American life. I'm pursuing my studies and so forth, and

1 everything is -- Punjab is the farthest thing from my mind.

2 Well, in the 1980s, and specifically 1984, a big  
3 thing happened back in Punjab. Without going into a great  
4 amount of detail, literally, a civil war broke out in  
5 Punjab. It was the Sikhs fighting against the central  
6 government for autonomy. Basically, they wanted more state  
7 autonomy.

8 Well, what that led to was some gross human rights  
9 violations in Punjab, and so myself and many other people  
10 at that time felt that the best thing that we could do,  
11 sitting here in the United States, was to bring that to the  
12 knowledge of the powers in this country, which are the  
13 media and the political side of it, Washington, and in  
14 order to do that, the biggest thing that was lacking was  
15 information of what was actually going on.

16 The third thing, by the way, were the international  
17 relations, such as Amnesty International and Asia Watch.  
18 They were the two main ones, and there were a couple of  
19 human rights organizations in India who were trying to do  
20 their best.

21 So we formed this little group, and there were four  
22 key guys, four of us, and then there were a bunch of other  
23 people around us that supported us, so we basically  
24 collected a lot of information. We would go  
25 through -- this was pre-Internet by far, right? And so you

1 had to go to libraries.

2           Every weekend, we'd go to the libraries, and we'd  
3 pore through all the periodicals and newspapers, and get  
4 clippings, and combine them, and then, once a month, we  
5 would put out a newsletter, and we developed a mailing list  
6 of influential people and entities and organizations, and  
7 we would send those out. So that's what it was all about.

8           PANEL MEMBER DICKISON: And so this was a group  
9 effort to put this organization together?

10          MR. SHERGILL: Yes.

11          PANEL MEMBER DICKISON: Are you still involved with  
12 that at all?

13          MR. SHERGILL: No. That kind of ran its course by  
14 the early 1990s.

15          PANEL MEMBER DICKISON: And then so I also read  
16 that you helped with the biannual elections, to help those  
17 being done in a fair manner. What did you do to ensure  
18 that those elections were done in a fair manner?

19          MR. SHERGILL: Are these the elections at the Sikh  
20 temple that you're referring to?

21          PANEL MEMBER DICKISON: Yes.

22          MR. SHERGILL: Yes, yes.

23          PANEL MEMBER DICKISON: Yes.

24          MR. SHERGILL: So this happened as a total  
25 happenstance. I have a good friend who's quite involved in

1 the managing affairs of a certain Sikh temple which is in  
2 Modesto, actually in Ceres, but it's known as Ceres-Modesto  
3 Sikh temple. Well, they were having a lot of internal  
4 problems. There were two factions, and they had severe  
5 issues over the management of the gurdwara -- a Sikh temple  
6 is called a gurdwara -- and the previous cycle, they had  
7 literally come to blows. There was a concern about  
8 violence, even.

9           They ended up going to court, and the court set  
10 down some rules, and it said, "You need to hold elections  
11 properly." The big issue with the Sikh affairs is that  
12 they will not be strict with their procedures, and then  
13 that gets them in all kinds of trouble. And so they now  
14 had a process, and they held the first elections under the  
15 court-appointed third party, and that was fine. So the  
16 things were settled down, and, you know, a certain party  
17 was in control.

18           Well, I retired, and I was talking with a friend of  
19 mine, and he said, "I'm really very busy for the next week  
20 or so, because we have the next elections, and we've  
21 decided that we don't want to pay \$20,000 to a third party  
22 to come in and hold elections. We can do it ourselves."  
23 And I said, "Can I help?" He said, "Actually, you know,  
24 yes, because you will be an independent person coming from  
25 outside. You have nothing to do with this area, and that



1 will be great."

2           So I went down and I just was there. He said,  
3 "Serve as a monitor. Just be here, because, you know,  
4 maybe you can later on testify to the fact that everything  
5 was done properly," and I did. Well, that was the easy  
6 part, but then, as we came to the close -- it was an  
7 all-day affair, and I asked them -- I was just going to  
8 leave, go home, but I asked them, "So how are you going to  
9 count these?" "We're going to count them. We're going to  
10 count them." And I said, "Yes, but how, exactly?"

11           It turned out that they hadn't thought that part  
12 through at all. They were just going to count it. And  
13 even though they had a good election commission, let's call  
14 it -- it was made up of both factions -- they had the right  
15 people there, but they had no process. So I asked them, I  
16 said, "Do you mind if I" -- because we had a couple hours  
17 to go, and I said, "Do you mind if I -- do you want me to  
18 set it up?" And they said, "Yes, please."

19           So I sat down and I devised a plan, and had my  
20 computer with me -- I always have it with me -- and I set  
21 up something on Excel, and as soon as it ended, we got them  
22 all together, and I said, "Well, I have something to  
23 propose to you. Follow these guidelines, these steps, and  
24 that will make sure of just one thing, that after you  
25 announce these results, the losing side will not be happy,

1 and then they will look for any reason, any cause, to make  
2 an issue of it, and the last thing you want to do is end up  
3 back in the court, right?"

4           They both said, "Absolutely. We don't want to go  
5 back to court. Imagine the money we're going to spend, and  
6 so forth." And I said, "So the thing to do is to make it  
7 as formal, as open, as documented as you possibly can, and  
8 in front of all of you," and there were like a dozen of  
9 them, six from one side, six from another, something like  
10 that. So we did that. So we went through an entire  
11 procedure.

12           I set up an Excel sheet where, as we -- I mean, it  
13 was right down to the fact that every ballot must be  
14 trackable back to the paper ballot before we put it in  
15 here, and everything here, that number will appear that  
16 I'll be entering, and it will be on the screen, so all of  
17 you guys are watching, right down to the point of no one  
18 can do any hanky-panky and just pull some ballots out of  
19 here and insert them, or something like that.

20           So that's what we did, and it worked out very well.  
21 The results were absolutely acceptable by everyone. A  
22 person did still make trouble about six months later, and  
23 he did take them to court. I had to go and testify, but it  
24 was thrown out by the judge very summarily. So it worked  
25 very well.

1           PANEL MEMBER DICKISON: So you set up a plan, and  
2 you proposed it to them.

3           MR. SHERGILL: Right.

4           PANEL MEMBER DICKISON: When they were agreeing to  
5 it, or the groups were agreeing to it, was there any  
6 contention, or anything that had to be worked through?

7           MR. SHERGILL: Nothing that turned into a total  
8 contention, but certainly there was mistrust, mistrust of  
9 the unknown, or mistrust of the fact that "He's not part of  
10 my group. He's the other group," which they couldn't pin  
11 on me, because I truly was somebody from outside, and  
12 that's why I think it's actually a good example of the way,  
13 if you make a process visible, transparent, and dominant, I  
14 think a lot of those things slowly get out of the way.

15           People start focusing on the method and the  
16 process, and if they're going to argue over it, they'll  
17 argue over "Why can't we make it a little better? Why  
18 can't we do this?" "Well, that's great. Let's talk about  
19 that." But, if you simply have suspicions of the other  
20 side, and the other side is saying, "Well, you know, why  
21 don't you take this half, and I take that half, and I'll  
22 sit over here, and you sit over" -- you see, then you've  
23 gone off the wrong way. Right?

24           So I won't say anything became totally contentious.  
25 In fact, the end of it, I wrote down a short report, and I

1 really gave them a lot of credit. The credit was really  
2 all due to them, that they had first of all put the group  
3 together that was really made of equal parts on both sides.  
4 All they were missing was a little process, and yes, that  
5 was enough to take them totally off track, but they had  
6 done the first part themselves very, very well, and the  
7 people were all well-meaning people. None of them wanted  
8 to go back to court. They shared, you know, a shared  
9 purpose. So they had that.

10 PANEL MEMBER DICKISON: Ryan has touched on the  
11 communities of interest. In the Bay Area, do you know of  
12 any communities of interest and what binds those  
13 communities together?

14 MR. SHERGILL: I'll mention my own community. The  
15 Sikhs are pretty big in the Bay Area. I'll mention a  
16 couple others. Well, there are so many others, but I'll  
17 mention the ones that I actually know. Today it's kind of  
18 gone deeper into the melting pot, and it's not as visible  
19 anymore, but the Portuguese community was very meaningful,  
20 and almost hidden. You have to look for it, and then  
21 you'll find it. My wife is of Portuguese background, so  
22 that's how I became aware of it. I wouldn't have,  
23 otherwise.

24 In the El Sobrante/San Pablo area, San Pablo more  
25 than El Sobrante, there's a very old settlement of the

1 Portuguese in that area. Then, in the San Leandro/San  
2 Lorenzo area, into Hayward, there's a very sizable  
3 Portuguese settlement there. Santa Clara, some of it,  
4 you'd find them by the bakeries, you know, and they're  
5 slowly (indiscernible) disappearing for the Portuguese.

6 Now, they're coming in for, say, another community,  
7 but Alviso, most people don't know where that is, but it is  
8 where -- it used to be an old -- it's at the very base of  
9 the Bay itself, and it's like a marshland, and there was a  
10 community of Alviso in there, and that was, I found out  
11 later, a Portuguese settlement. So the Portuguese are one,  
12 and then they have their needs and their festivals, what  
13 they call "fiestas" in their case -- or "festa," not  
14 "fiesta." There's that.

15 There is the other communities that I've known  
16 quite well. The Chinese community is present in many, many  
17 places, obviously the Chinatown, but there are the old-line  
18 Chinese, but then there are the Chinese that came later  
19 from Hong Kong and Taiwan, and now lately there are the  
20 Chinese that have come from mainland, and they all actually  
21 congregate in their own ways, in their own areas. So they  
22 are there, and if you're in the Silicon Valley, then you  
23 come across that.

24 The Iranians. I knew Iranian students when I was  
25 going through school, and came through my career meeting

1 with Iranians many, many times. The Filipino community has  
2 its own areas and its own ways. These are some of the big  
3 ones.

4 On the Spanish side, obviously, there is the -- you  
5 know, the San Jose downtown area is the old-line Latino  
6 district. In my younger days, Union City used to be big  
7 that way. Then more of the Filipino community settlement  
8 occurred there.

9 So, up and down the Bay Area, I'm more familiar  
10 with the East Bay side than the Peninsula side. There is  
11 obviously the Mission District, and from there all the way  
12 down to Redwood City area, there are many, many Latin  
13 communities of interest.

14 So, yes, there are so many, and I think my  
15 interaction has been with many of them, but to a varying  
16 degree. I won't claim other than the Sikhs. The Indians  
17 other than Sikhs are also there, right? So we collectively  
18 call it "South Asian community," so there's a large South  
19 Asian community. I know exactly where the first Hindu  
20 temple was, and where the second one was, because that's  
21 where the congregations occur, the Sikh temples, you know,  
22 how they came to be, and how El Sobrante is important, and  
23 how San Jose is different, and Fremont is different. Those  
24 are the three big Sikh temples. So, yes, various ones.

25 PANEL MEMBER DICKISON: Okay. And so those were

1 all kind of bound together by ethnicity?

2 MR. SHERGILL: Yes.

3 PANEL MEMBER DICKISON: Okay. So, for communities  
4 of interest that might not be bound by ethnicity, they  
5 might not be as easy to recognize or to see.

6 MR. SHERGILL: Correct.

7 PANEL MEMBER DICKISON: In public meetings, or just  
8 trying to identify them, if you're at a public meeting, can  
9 you brainstorm a few questions you might come up with to  
10 try and identify those communities of interest?

11 MR. SHERGILL: Questions. Well, let me work  
12 through it. The type that are hard to pick out are the  
13 shared economic interests or shared -- let's say the  
14 digital or communication reality that a person lives in,  
15 the media and so forth, because a lot of folks are in  
16 certain silos that way, almost, so, for example, the  
17 Silicon Valley, and the engineering community of the  
18 Silicon Valley --

19 MS. MOLINO: Five minutes.

20 MR. SHERGILL: -- is a community of its own, and  
21 they have their own needs. They see the world in a very  
22 different fashion, and what's important in terms of the  
23 economy is very different for them than it would be for  
24 someone even in the Bay Area, but on the other side of the  
25 Bay Area.

1           So the type of questions you would have to ask  
2 would be having to do with the economic aspects of things,  
3 and a daily life aspect of things, shared experiences. It  
4 would have to do with -- you know, somehow I would have to  
5 come up with a question that comes to "Where did they get  
6 the information from?" Entertainment. A big part of  
7 people's life is "Where do they get their entertainment  
8 from, and then how does that form sort of a world view  
9 around them?" So it would have to be along those lines to  
10 bring those things out.

11           I mean, the profession is fairly clear. You ask  
12 the profession, right, to indicate you're a farmer. You  
13 know, farming is a community of interest, and in some  
14 areas, it may be dominant, but in the outskirts of the  
15 area, it is a community of interest that is feeling that  
16 they're being wiped out by urbanization. It's a community  
17 of interest that has concerns. But that's easier to get  
18 at, by asking about their profession, but then you need to  
19 go a little deeper than that, I believe.

20           PANEL MEMBER DICKISON: Okay. All right. So one  
21 of the things that has to -- on the list of priorities, the  
22 fourth one is cities, counties, neighborhoods, and  
23 communities of interest. There's no prioritization among  
24 those.

25           MR. SHERGILL: Right.



1 PANEL MEMBER DICKISON: So how would you balance  
2 those when there's conflict?

3 MR. SHERGILL: Yes. That's the hard one. So one  
4 guiding principle I can use. The contiguity is -- I  
5 believe it is ranked higher than communities of interest,  
6 correct? It's contiguity, then the communities of -- am I  
7 right, or is it one and the same thing, or contiguity of  
8 communities of interest? Either way, we're trying to make  
9 it as contiguous and as geographically coherent as  
10 possible, right?

11 So I think one guiding principle might be that "How  
12 do people live their life?" And so imagine an area where  
13 it doesn't really matter that you have various different  
14 people, but they all live very much in that, let's say, one  
15 marketplace, one area, one civic center, one area where  
16 they all come together anyhow, if that were the case.  
17 Right? Then I think the Commission job would be very much  
18 easier. But if, like I mentioned, if through  
19 entertainment, sources of information, their cultural  
20 interaction, religion, church, those things are keeping  
21 them here, here, here, and here (indicating), then you'd  
22 have to pay attention to those.

23 Now, the balance is going to be that, how do you  
24 balance this larger thing here for, say, the 80, 90 percent  
25 of the population, versus the 10 percent here? Well, what

1 outcome does this 10 percent have if they got split up,  
2 versus if you took this 80 percent and they were combined  
3 over here (indicating), but then, still, it didn't affect  
4 them as much. Right?

5           So I think you've really got to look at it  
6 holistically, and combine all those things. I'd be really  
7 over-estimating my own abilities if I said that I could  
8 just figure that out right here, but I'm just giving you  
9 some of the thought process I'll go through. But, to me,  
10 that is the whole concern when I say the concern with  
11 communities of interest. Identifying them is one thing,  
12 but then also to balance, yes.

13           PANEL MEMBER DICKISON: Okay. How much time do I  
14 have?

15           MR. DAWSON: One minute, 10 seconds.

16           PANEL MEMBER DICKISON: So the first eight  
17 Commissioners have to select the next six.

18           MR. SHERGILL: Right.

19           PANEL MEMBER DICKISON: What factors would you take  
20 into account if you were part of the first eight  
21 Commissioners?

22           MR. SHERGILL: Well, remember that I keep  
23 mentioning that there is the individual capabilities of a  
24 person, but then there is the team dynamics and how the  
25 whole group is going to act as really as an organic whole

1 itself, as an organism, so to speak. Well, I would pay  
2 attention to that. I'd say, "What are we lacking today?"  
3 Right? Some things would be obvious, you know, the  
4 Republicans versus the Democrats versus the independents.  
5 That is very obvious, and I'm sure we'll do a good job with  
6 that, but I think we need to go further than that. We have  
7 to look at some of the qualities I went through that are  
8 qualifications and characteristics that you need. I would  
9 go almost entirely by that. I would say, "What are we  
10 lacking in this thing? What do we need more of?" Let's  
11 balance it out by bringing --

12 MS. MOLINO: Fifteen seconds.

13 MR. SHERGILL: -- more diversity.

14 PANEL MEMBER DICKISON: Thank you

15 CHAIR COE: Mr. Belnap.

16 VICE CHAIR BELNAP: Yes. Thank you for being here.

17 MR. SHERGILL: Thank you

18 VICE CHAIR BELNAP: A lot of my questions are going  
19 to come from the questions that have been asked, and your  
20 responses to them, and also just having listened to you,  
21 and your background.

22 My first question is, what would be your reaction  
23 to a district that is drawn not as a square, rectangle, or  
24 any particular geometric shape, but, rather, has an odd  
25 shape to it?

1           MR. SHERGILL: Well, depends on the level of  
2 oddity. So the ones that I've seen in the past that were  
3 very odd-looking and so forth, it got your attention first,  
4 the fact that it was so oddly shaped, but then that was  
5 less of a problem. The problem was, when you looked into  
6 it, you saw what the motive was that was driving that, and  
7 the motive wasn't sound, and given that, in most cases, we  
8 do have the luxury of large size in California, although  
9 where it matters may still be a very limiting factor, but,  
10 given the fact that we can expand out into rural areas and  
11 all that, I'm less concerned about the way the shape might  
12 end up looking.

13           In other words, I don't think it will ever look  
14 that crazy. I'm just giving you my gut feeling. Right?  
15 But I feel that I'm going to be more concerned about how  
16 much of a productive and effective representation people  
17 will have of that area. That has to be the big thing for  
18 me, and if it became somewhat odd, that's fine. If it  
19 became a little more than somewhat odd, I'd be a little  
20 more concerned, and I'll say, "Well, let's think some more.  
21 Let's go through another cycle. Let's just take these  
22 three, and let's try to work these out," you know.

23           But you have to break your work down. You have to  
24 say, "Let's not rehash all this, and we're fairly good  
25 here, but can we go through this?" I mean, it is an

1 indicator to me. I would say, "Wait a second. Maybe  
2 something isn't so right. Maybe we need to go back over  
3 it," but, at the end of the day, the metrics have to be  
4 very clear. We all have to agree to them, that "These are  
5 the metrics, and these are the ways we're going to measure  
6 ourselves, and how are those metrics doing?" And  
7 contiguity is important, but the shape is not necessarily  
8 anywhere codified, that there has to be a shape to it. To  
9 me, it's an indicator.

10 VICE CHAIR BELNAP: So you mentioned the motive  
11 behind the shape. So what would be a sound motive for an  
12 oddly shaped district, and what would be an unsound motive?

13 MR. SHERGILL: The sound motive would be  
14 that -- the two things that we're trying to balance, that  
15 people that have a shared feeling of being who they are,  
16 are kept together, and not taken off and added to someone  
17 that they share nothing with. I think that's the biggest  
18 problem, and that's the biggest problem that I've heard  
19 from people, saying, you know, their district -- the one  
20 state senate district, I was talking to the gentleman who  
21 used to be the state senator from there. I forget the  
22 number, but it goes from Turlock all the way to Salinas  
23 Valley, across the mountains. It turns out the people of  
24 Salinas Valley have very little interaction with people  
25 over in the Central Valley side. Okay?

1           On a map, you might make it look very nice and  
2 rectangular, but they have nothing in common, and  
3 yet -- and this is from the last go-around, but I'm sure  
4 they had a reason. They wanted to balance some things out.  
5 But they might have been down (sic) to say, "Well, let's  
6 make sure that this one is in play for both the Democrat  
7 and Republican side." Okay. I don't want to discard that,  
8 but I don't think that should be the primary reason.

9           The primary reason, I want to feel, is the people  
10 of Salinas feel that they're with people who share the  
11 interests with them. Otherwise, they'll start feeling like  
12 "I'm just being ignored." One of the two is going to feel  
13 that way. Right? So, to me, the more legitimate reason is  
14 to have the voting public not feel disenfranchised or even  
15 lessened in any way. To me, that's the most important  
16 thing.

17           VICE CHAIR BELNAP: All right. Thank you. So I'm  
18 going to go back to question one. You talked about the  
19 fairness and justice that's kind of been instilled in you  
20 by your parents and community. What I want to know is how  
21 you think your parents and community instilled that sense  
22 of fairness and justice in you. What did they do to help  
23 you develop those instincts?

24           MR. SHERGILL: There's only way to really do that,  
25 and that is through example, a lasting way, the way that

1 stays with you. When you're a child, you know, you don't  
2 question as much, and you may accept things, but it  
3 matters. It's being instilled in you with you not knowing,  
4 even if it's done by using methods that are not altogether  
5 the best, but certainly, by the time you're a teenager,  
6 you're questioning everything, and the only answer, really,  
7 is through example.

8           So, if I look at my parents, and I look at my more  
9 expanded family, in my case, I have examples of both. I  
10 had, on my dad's side -- my dad was treated very unfairly  
11 by the rest of his family, and he carried that burden with  
12 him all his life. It was part of the reason that he died  
13 very young.

14           My mom's side, people just were moralistically,  
15 religiously, fairness, justice-minded people. They would  
16 get angry over it. They would fight over it. And so I saw  
17 both sides of that, and made my own choices to see which  
18 was more important, which one -- one side had more the  
19 riches, and they were the well known and very exalted  
20 family, but then they were absolutely unfair to my father.  
21 And then, on my mom's side, they were "salt of the earth"  
22 kind of people, but they were very fair and just kind of  
23 people.

24           So I think that example was the way it really  
25 worked with me. There, you know, examples also come from

1 stories and books and history. Right? So there were a lot  
2 of those in my life as well. But I think there's nothing  
3 that can equal what you see in people themselves, and if  
4 that happens to be in your family, you're fortunate.

5 VICE CHAIR BELNAP: So I'm going to read to you a  
6 question that I wanted to ask, but I feel that it's already  
7 answered, and then I'm going to give you a flipped version  
8 of that question.

9 MR. SHERGILL: Okay.

10 VICE CHAIR BELNAP: So the question I wanted to ask  
11 was, how has your training and experience as an electrical  
12 engineer prepared you to serve on the Commission? I feel  
13 like that question has already been answered.

14 MR. SHERGILL: Right.

15 VICE CHAIR BELNAP: So a little bit twist on that  
16 is, is there any part of your training and experience as an  
17 electrical engineer that has created tendencies that you  
18 might have to mitigate as you serve on the Commission?

19 MR. SHERGILL: Yes, yes. Engineers can  
20 be -- excuse me. It's the allergies time of the year, and  
21 I get this.

22 VICE CHAIR BELNAP: And there is a water bottle  
23 there that you can take.

24 MR. SHERGILL: Thank you. Engineers have a  
25 tendency of becoming tone-deaf to people's emotional needs



1 around them. So I mentioned earlier somewhere that if  
2 you're not an engineer at the start, you become one by  
3 going through that profession, which is true for any  
4 profession. Right? And so, yes, as I went along, you  
5 harden more and more that way.

6           You had a tendency that way. That's why you went  
7 through that direction in your schooling, and then the  
8 schooling prepared you, but, as you go through your career,  
9 you become more and more what your profession is. But  
10 then, if you're lucky, you marry someone like I did, which  
11 is my wife, who comes from a different background. She  
12 comes from liberal arts.

13           She's a teacher, and I learned to respect her point  
14 of view over my life more and more as time went on, and she  
15 taught me -- one of the first things was that I was  
16 tone-deaf to people's body language. I was paying all  
17 attention to what the facts are, "Give me the facts. Give  
18 me the facts. Give me the facts." Right? And I was  
19 totally ignoring that the person, before the "Give me the  
20 facts," first had to feel comfortable with me.

21           So I learned that the hard way, and your children  
22 bear the brunt of it, the eldest one the most, and then  
23 less and less, but I think that is the biggest risk I, even  
24 to this day, will run, but I believe that at this point in  
25 my age -- I mean, 20 years ago, I would have been

1 different, even 20 years ago, certainly 30 years ago. But,  
2 at this point, I've modulated greatly in that. But, to  
3 answer your question, I think that is the big one. The  
4 engineers will do that.

5 VICE CHAIR BELNAP: Thank you. So there's a part  
6 of your application I'd like to read, and then ask you a  
7 question about it. You state in your essay number one:

8 "With the 2010 redistricting cycle, we  
9 tried the citizens' commission method,  
10 thanks to the efforts of certain public-  
11 interest groups and the initiative  
12 system, but it seems to me that this  
13 method also requires a great deal of  
14 care, expertise, and hard work. One can  
15 be sure that the two political parties  
16 and other vested interests will still  
17 try to tip the scales. There is too  
18 much at stake."

19 So that portion of "will try to skip the scales,"  
20 so what do you envision that people will do to try to tip  
21 the scales in their favor, and then how will the  
22 Commission, if you're a part of it, guard against that?

23 MR. SHERGILL: Well, the biggest thing that I would  
24 imagine would be through the public hearing process. This  
25 is just my sheer gut sense. I'm not basing this on any

1 evidence. I did not go through the report that I  
2 referenced in detail, and so I'm not really basing it on  
3 all that. And so I'm unfair to some extent in saying this,  
4 but my concern is, and certainly to back that up, is that  
5 public process is the way -- well, if you just look at the  
6 political parties and the way they do act, they all act  
7 through the public. They try to, anyway.

8           And the communities of interest, many of  
9 communities of interest, the ones that are being presented  
10 to you, might really have some political force behind it.  
11 I don't know, and I don't think we're going to have the  
12 time to go and figure that out. We're going to have to  
13 figure it out on the basis of what we're hearing, and so I  
14 think that's what I was thinking of when I was saying that.

15           Could it be done in other ways? I think that would  
16 be very nefarious, and I have more faith in our system, to  
17 say that something could be more nefarious than that, but I  
18 think it's mostly just that, to try, you know, to just  
19 control the time, if nothing else, just by sheer volume, if  
20 nothing else, to befuddle the Commission or just pile  
21 things up and take more of the bandwidth, for example,  
22 because, in political game, that's what matters the most,  
23 who can bring more people. Right? If it goes down to that  
24 thing, we have to be careful about that, that one side  
25 isn't just, you know, controlling the process by just

1 simple sheer force of size and movement of rank and file,  
2 things of that kind.

3           Perfectly fine, like I mentioned earlier, about  
4 free speech. You can't squelch that. You can't stop any  
5 of that. You have to accept it. You have to let it in,  
6 but you have to be watchful for that, and that's the key  
7 thing I'm saying there. You have to manage it. You have  
8 to be watchful of it. You have to control it in that way,  
9 way that we deliberate, not that we stop something. I  
10 think that cannot be done. We can't really stop anything,  
11 but it's more of how we deliberate.

12           VICE CHAIR BELNAP: All right. Thank you.

13           Mr. Chair, I don't have any further questions.

14           CHAIR COE: Mr. Dawson, if my timing is right, we  
15 have about 10 minutes.

16           MR. DAWSON: Yes. We have 10 minutes remaining. I  
17 just have a few follow-up questions, and the panel members  
18 have stolen all my questions.

19           You stated in your application you spent your  
20 career mostly in management. How would you feel about  
21 being one of 14 equals?

22           MR. SHERGILL: Good question. So, in management,  
23 at least in the private sector in Silicon Valley, where I  
24 had all that experience, you're not in that much control.  
25 It's kind of like, I think it was, Eisenhower, that when he

1 became president, he said, "I can't believe how little  
2 control I have."

3           You know, he was the commander-in-chief of a world  
4 war, a great accomplishment, and he comes into the White  
5 House, and he finds out that he really doesn't have the  
6 control that he thought he had, being commander-in-chief.  
7 He said, "In the military, I used to order something, and I  
8 knew it would happen. In the White House, I can order  
9 whatever I want. It's going to happen when it's going to  
10 happen, if it happens."

11           So, in management, also, you're not entirely that  
12 way. Number one, you have your peer managers. You have  
13 your staff meetings. You have your boss. And all your  
14 managers are constantly trying to balance things out to the  
15 common goals, you know. Like, in our case, development is  
16 what we were doing. So you have to develop these products  
17 and get them out, get them out on time.

18           Well, there are three cross-purposes right there.  
19 Marketing wants it faster, design wants to take longer and  
20 make the best product there is, and production wants to  
21 make sure that it's testable to the utmost degree, and if  
22 you did any one of those three things, or even two of those  
23 three things, the product would fail. So, you know, you  
24 have to balance all the time, anyhow, and I've done that  
25 all the time, and then I mentioned the fact that so much of

1 it was really teamwork, anyhow, so very much  
2 cross-functional teams.

3 MR. DAWSON: Okay. That was -- well, let me see.  
4 Let me just ask one thing. You talked a bit about your  
5 life in Silicon Valley over the last 31 years. It's  
6 changed tremendously. What is it about that change that  
7 you can extrapolate out to California as a whole? How  
8 would that inform your view of California as a whole, and  
9 the lines that need to be drawn?

10 MR. SHERGILL: It's a difficult one, but I would  
11 say the balance -- I don't know how the lines will be  
12 drawn, but I think there is a force in that area that more  
13 and more people have felt elsewhere. In my area, I mean,  
14 we initially lived in Fremont, which is closer to the  
15 Silicon Valley, and then we moved to Danville, which, in  
16 those days when we moved there, had almost nothing to do  
17 with Silicon Valley.

18 Around the year 2000, Silicon Valley has shown up  
19 in the San Ramon Valley as well. So that changed, the  
20 sheer change of people moving in, traffic going up,  
21 congestion. All those things, where people's daily  
22 lifestyle is affected, affects people. People that are  
23 newcomers feel differently from the people that were there  
24 before. Newcomers feel that "What are you complaining  
25 about? This is great." And then the people that were

1 there before go, "Yes, but it was a lot better before, and  
2 you will not relate to that, because that's what we're used  
3 to."

4           So I guess all this is, is the change is there. In  
5 even those 10 years, I expect the change is going to be  
6 tremendous, actually, certainly in the areas that are going  
7 to be competitive and where more care is going to be  
8 needed. How we will deal with that is just -- I go back to  
9 the same thing, saying you set yourself a very systematic,  
10 very metrics-based, evidence- and data-based system, with  
11 all the input taken from as many communities as you can  
12 identify, and you work through it.

13           Whether there's any one thing -- I mean, there are  
14 things such as, people have political beliefs that become  
15 inflamed under those conditions. For example, the one big  
16 thing in Silicon Valley is the foreign labor, the H-1B  
17 visas that you hear of, right, words of the engineers that  
18 are already in the field that this is unfair competition to  
19 them. The answer to that is -- it's a vertical question,  
20 with vertical answers. So, therefore, there are two  
21 answers, three answers, four answers.

22           Our point is not to go into that. Our point is to  
23 say that the people that are on both and every side of  
24 those issues are properly heard and represented. So I  
25 think it is actually very important to eliminate that type

1 of inflammatory issues from coming into our thinking, that  
2 we keep it very systematic, and process- and data-oriented,  
3 with all the input taken. So I don't know if that really  
4 answers it, but that's the best I can do.

5 MR. DAWSON: So we have five minutes and 30 seconds  
6 remaining. I would like to give the Applicant an  
7 opportunity to make a closing, if you would like.

8 MR. SHERGILL: Yes, I did write something down for  
9 this.

10 Well, I thank you, Panel, for including me in the  
11 pool of 120, and it meant a great deal to me. That meant  
12 that you were seriously considering me as a candidate.  
13 From my essays and from this interview, I hope a good and  
14 comprehensive picture has emerged of who I am, and whether  
15 I'll be a productive member of the Commission, but, to put  
16 a final point on it, I'll submit the following to you.

17 Gerrymandering is a challenge, I believe, to our  
18 very form of representative government. I think it's very  
19 serious. We're all wringing our hands today over what was  
20 alluded to earlier, the toxic, divisive nature of the  
21 American political scene, but, as much as I'm concerned  
22 about it, it does carry a valid message in it for all of  
23 us, and that message is that the wide swathes of the public  
24 have lost faith in what they perceive to be the entrenched  
25 ruling class. You see that on both sides. I think that is



1 the issue of the day for our time, but it's happened  
2 before, so that's why I'm very hopeful.

3           So I'm a strong believer in our system of  
4 government, and I believe that we must, in response,  
5 improve our system and not destroy it, in order to -- or  
6 alter it in any fundamental way. I believe it's reform  
7 that's necessary, and that reform also within the system,  
8 and I think that's the strength of our system.

9           We have time and again -- over, you know, almost  
10 250 years, we've found ways to -- in engineering, we call  
11 that -- it's a "self-enforcing system." It's a system that  
12 converges. That's the strength of the American system. It  
13 has all these things hit it, but it converges back. It  
14 again finds the center.

15           So I think we have to bring that up, and we have to  
16 foster that. We have to strengthen that, and this  
17 Commission, I think, is a big, big part of that, and I feel  
18 that California once again is truly leading the nation in  
19 this area and showing how this could be done, and I'm  
20 actually very thankful for what's already occurred. I  
21 started paying attention to this back in the 1980s, and it  
22 bothered me all that time, and when it finally happened, I  
23 was very happy, voted for it, of course, and then seeing  
24 that it's occurred.

25           So, yes, I was always a proponent of it, and now

1 that I'm at a point in my life where I can give it my full  
2 attention, I want to do so. But why should you choose me  
3 from this pool of qualified individuals? Because I believe  
4 that the Voters First Act has done a commendable job of  
5 constructing a process that is as good as it could be. I  
6 really feel that. There could be small tweaks, but I think  
7 the process itself, the structure that's put in there to  
8 balance out everything, is actually pretty darn good, in my  
9 view.

10           What is needed are the individuals that are  
11 competent, fair-minded, compromise builders, and that are  
12 free of vertical influence. I believe that I meet that  
13 criteria, and if chosen to serve, I'll be thankful for  
14 having a very substantial opportunity that, to me, will be  
15 an opportunity to pay back to this state and to the great  
16 nation that I live in the life experience that it gave me  
17 all these years, which I'm extremely, profoundly thankful  
18 for. So, thank you.

19           MR. DAWSON: Okay.

20           MR. SHERGILL: Thanks.

21           CHAIR COE: Thank you very much, Mr. Shergill. I  
22 appreciate you being here.

23           MR. SHERGILL: Thank you.

24           CHAIR COE: The next interview begins at 1:15. We  
25 will be in recess until 1:14.

1 (Off the record at 12:13 p.m.)

2 (On the record at 1:15 p.m.)

3 CHAIR COE: All right. It is now 1:15. We're  
4 ready to get this meeting back on the record.

5 Welcome, Ms. Victoria Tamoush. Am I saying that  
6 right?

7 MS. TAMOUSH: Yes, you are. Thank you.

8 CHAIR COE: Thank you. Welcome, Ms. Tamoush.

9 MS. TAMOUSH: Thank you.

10 CHAIR COE: Mr. Dawson, would you please ask the  
11 standard questions, please.

12 MR. DAWSON: Good afternoon, Ms. Tamoush.

13 MS. TAMOUSH: Good afternoon.

14 MR. DAWSON: I am going to be asking you a series  
15 of five standard questions that the Panel is asking each  
16 Applicant. Are you ready?

17 MS. TAMOUSH: Yes.

18 MR. DAWSON: What skills and attributes should all  
19 Commissioners possess? What skills or competencies should  
20 the Commission possess collectively? Of the skills,  
21 attributes and competencies that each Commissioner should  
22 possess, which do you possess? In summary, how will you  
23 contribute to the success of the Commission?

24 MS. TAMOUSH: Thank you. I hope you won't mind  
25 that I made some notes.

1 THE REPORTER: Can you speak a little closer to the  
2 microphone? It's directly in front of you.

3 MS. TAMOUSH: I hope you won't mind that I made  
4 some notes, because I thought I might be nervous. The  
5 skills and attributes that all Commissioners should  
6 possess, I would say that neutrality would be at the top of  
7 that list, the ability to take one's own interests out of  
8 your line of thinking, and to be able to think in a larger  
9 way, for the larger good.

10 That would mean having the skill to put the public  
11 interest first, and before whatever your own interest might  
12 be, and sometimes it's hard for us, as human beings, to  
13 notice that we're doing that, and so I think that's an  
14 important skill, and also the ability to be objective, and  
15 not let static in a situation take your thoughts to the  
16 wrong direction, but to be able to look, really, at what is  
17 important, what's at stake, and not be swayed by a louder  
18 voice, a more aggressive presentation, but to really be  
19 able to look objectively at a situation.

20 The second part, about the skills and competencies  
21 that the Commission should possess collectively, I would  
22 say that the ability to listen would be extremely  
23 important, and it's a skill I suppose all of us undervalue  
24 and underuse, but I think it would be important to be able  
25 to listen well to the public and to listen well to one

1 another.

2           Listening more than we talk is something we're not  
3 really good at as humans, and so I think that would be an  
4 important thing to do, and the ability to operate as a  
5 unified group, and not a collection of individuals, to  
6 really be able to unify one another, and to be part of the  
7 greater Commission, and not just a collection of voices  
8 that each want to be heard and want to have a certain  
9 outcome.

10           This might sound sort of squishy, as they say, but  
11 I think the ability to be patient and kind, those are  
12 strong attributes for any Commissioner who serves anywhere.  
13 I think anyone who's responsible to the public has an  
14 obligation to be as patient as possible and as kind as  
15 possible, because what's at stake is greater than any of  
16 our individual interests.

17           On the skills and competencies that each  
18 Commissioner should possess, and which that I would  
19 possess, I think, over the years, because of jobs I've had  
20 and experiences I've had, that I have been able to tolerate  
21 opposing views and listen to things that offend me or  
22 insult me, or that I think are ridiculous, and then give  
23 them serious consideration because, when you're in a public  
24 role, that's what you're called to do.

25           I have made quite a study of coming to consensus

1 within an organization, and that's something that I think  
2 is also underused, but it's such an effective tool, and it  
3 helps the people and the governing body come together in a  
4 stronger way, and I also think that it respects the  
5 diversity of opinion more than a voting scenario would.

6           The ability to focus on a larger goal, I think, is  
7 something that, again, I've been in situations where I've  
8 had to do that, been responsible for doing that, and while  
9 it's, I suppose, never easy, it is something that I think  
10 I'm able to do.

11           The last part, about contributing to the success of  
12 the Commission, I think that my years of doing mediations  
13 and other third neutral-party work has helped me to be able  
14 to listen to divergent viewpoints and then find an outcome  
15 that's really best for everyone, and mediation, of course,  
16 doesn't mean that anyone gets everything they want, or that  
17 everyone gets everything they want. What it means is that  
18 an agreement has been reached where everyone has enough of  
19 what they want, and I think that's something that I can  
20 contribute just from the experience of doing a number of  
21 mediations.

22           I also think it's important to find the inherent  
23 worth in each Commissioner and each person that comes  
24 before the Commission, because where I usually go astray in  
25 a situation is if I forget the fact that there is inherent

1 worth even in someone who might be going on a rant, going  
2 off the subject, calling names, any kind of bad behavior,  
3 but there is inherent worth in that person, and there is a  
4 value to listening to every single person and finding that  
5 inherent worth.

6 MR. DAWSON: Question two: Work on the Commission  
7 requires members of different political backgrounds to work  
8 together. Since the 2010 Commission was selected and  
9 formed, the American political conversation has become  
10 increasingly polarized, whether in the press, on social  
11 media, and even in our own families.

12 What characteristics do you possess, and what  
13 characteristics should your fellow Commissioners possess,  
14 that will protect against hyperpartisanship? What will you  
15 do to ensure that the work of the Commission is not seen as  
16 polarized or hyperpartisan, and to avoid perceptions of  
17 political bias and conflict?

18 MS. TAMOUSH: My first inclination is to ask how  
19 you know my family, but I suppose the question applies to  
20 everyone. I think reminding ourselves that the public is  
21 depending on us. It's a huge responsibility to serve on a  
22 Commission like this. At any level when you're serving the  
23 public, there's an inherent responsibility there, but the  
24 one here is really huge, and I think that's important for  
25 the whole Commission to keep in the front of their minds

1 constantly.

2 I think it would be important for each Commissioner  
3 to remember to remain neutral, and there are a lot of  
4 different ways to get neutral, and in some workshops I've  
5 given, I've taught different methods, and everyone responds  
6 well to some and not well to some, but there's always a way  
7 that we can teach ourselves to get neutral, and doing that  
8 before you enter any high-conflict situation, such as a  
9 public meeting or something like that, I think, is really  
10 helpful in preparing ourselves to listen, preparing our  
11 minds to quiet the thoughts we have and receive whatever is  
12 being brought before us.

13 Again, always putting the public first, I think,  
14 would be extremely important. This term  
15 "hyperpartisanship," I hadn't seen it used in this context  
16 before, but I really love that, because this is exactly  
17 what the problem is. If people have a strongly held  
18 beliefs, and a stake in a matter, typically, they kind of  
19 take the gloves off, and they don't represent the best of  
20 themselves, and, for that reason, might not be heard, but  
21 there may be truth in that person's belief, and there may  
22 be value in that person's belief, and unless we can quiet  
23 the noise and really listen, and cut through that, we can  
24 miss that truth, and we can miss that value.

25 I like to think that reminding ourselves to listen



1 more than we speak also comes into avoiding that  
2 hyperpartisanship, and avoiding the tendency to think of  
3 people who carry a label that we also carry as our allies,  
4 because, of course, that immediately means that those who  
5 are not in that group are not your allies, they're your  
6 enemies. That doesn't work in a Commission. It doesn't  
7 work in any governing body. There has to be first and  
8 foremost in each Commissioner's mind the recognition that  
9 the whole Commission is on one side of the table, and the  
10 whole state is also on that side of the table, and not to  
11 see any sorts of barriers.

12 I also think it would be important to be sure that  
13 underrepresented voices are visible to the Commission, that  
14 groups or individuals that aren't typically heard and  
15 recognized have that opportunity, because this is a  
16 Commission that depends entirely -- its success seems to  
17 depend entirely on making sure that underrepresentation in  
18 the past doesn't continue.

19 What to do to ensure that the work of the  
20 Commission is not seen as polarized. I think that, if I  
21 served, I would try to speak honestly, but also watch for  
22 the quiet voices that are trying to be heard. I would look  
23 for people who may be struggling to get a point across, or  
24 may not have as well packaged a presentation of their  
25 opinions, and encourage those voices also to be heard, and

1 encourage the Commission to put attention on people who  
2 present in that way.

3 I would discourage Commissioners from bringing up  
4 their own political viewpoints, because I know, when I  
5 stood in line for public comment somewhere, the last thing  
6 I want to think is "Well, gosh. That person who is  
7 listening to me just made a statement about how ridiculous  
8 my point of view is. They're surely not going to listen,"  
9 and I think that's something really huge to avoid. The  
10 would be something the Commissioners have to constantly  
11 remind themselves of.

12 MR. DAWSON: Question three: What is the greatest  
13 problem the Commission could encounter, and what actions  
14 would you take to avoid or respond to this problem?

15 MS. TAMOUSH: I think, if any Commissioner is loud,  
16 is overbearing, is taking over the conversation, it's going  
17 to dissuade the public from even trying to be heard, and it  
18 will divide the Commission, and create some factions and  
19 some breakup of the unity, and so I think tempering our own  
20 expressions would be very important for Commissioners.

21 I think, also, if it becomes obvious that a  
22 majority of Commissioners feel a certain way about a  
23 certain topic, that they work through the discussion  
24 together, and not simply say, "Well, more of us feel this  
25 way," and just push forward, because that, too, breaks up

1 the unity of the Commission. It devalues those who did  
2 oppose, and, I mean, we all can think of examples where one  
3 person swayed a group of people who felt the opposite way,  
4 and we can't discount the fact that that could be at play  
5 in a situation like that.

6 MR. DAWSON: Question four: If you are selected,  
7 you will be one of 14 members of the Commission, which is  
8 charged with working together to create maps of the new  
9 districts. Please describe a situation where you had to  
10 work collaboratively with others on a project to achieve a  
11 common goal. Tell us the goal of the project, what your  
12 role in the group was, and how the group worked through any  
13 conflicts that arose. What lessons would you take from  
14 this group experience to the Commission, if selected?

15 MS. TAMOUSH: I have quite a few examples to give,  
16 because I've been involved in those types of situations  
17 easily over the last 30 years, and maybe a little longer.  
18 I served on a lemon law arbitration panel, and there were  
19 three or four panelists at any given hearing, and we all  
20 had completely different backgrounds.

21 There was always someone representing a dealership  
22 from the make of the car. There was always someone who was  
23 a mechanic, and then someone who had some knowledge of the  
24 enforcement of a body of law, and that was the role I  
25 played, and then sometimes there was a consumer advocate,

1 also, from the company that manufactured the car, and the  
2 diversity among those panelists was astounding, and could  
3 be sometimes very difficult to deal with, where those of us  
4 who didn't have any knowledge of how cars work would have  
5 one opinion, because we felt, "Well, this consumer is  
6 frustrated. The consumer has a problem that hasn't been  
7 solved by the company," and then those who were mechanics  
8 or worked at the dealership immediately gravitated the  
9 other way, and so we had --

10 MS. PELLMAN: Fifteen minutes.

11 MS. TAMOUSH: Thank you. So we had to remind  
12 ourselves and one another frequently to bring ourselves  
13 back together, to listen in a unified way to these members  
14 of the public, and not allow our own feelings about the  
15 dispute to get in the way, and we had to come to consensus,  
16 and that was the goal that's mentioned, and we had to come  
17 to consensus, and I found that usually it was the consumer  
18 advocate and myself that were trying to bring that  
19 consensus out of the four of us.

20 I also moderated an Arab-Jewish dialogue group at a  
21 time when that actually -- for groups like that to meet was  
22 illegal in Israel, and we had Israelis in the group. It's  
23 a very high-conflict type of discussion, and I'm happy to  
24 say that now, 27 years later, we're all still in touch with  
25 each other, despite the fact that we live thousands of

1 miles apart. We still try our best to be part of one  
2 another's lives, and that's where e-mail comes in.

3           We had a reunion in our 25th year, and I found,  
4 looking around the room, that this group of people who had  
5 really fought and cried and had broken hearts through these  
6 tremendously meaningful discussions loved each other so  
7 much that we could barely bring ourselves to leave at the  
8 end of the reunion.

9           I've been involved in I couldn't tell you how many  
10 different committees and governing bodies. I've served on  
11 a number of boards of directors. All of these have the  
12 same types of goals that a commission does, to serve a  
13 larger group of people by acting in a unified fashion,  
14 whether or not you agree with one another, and by listening  
15 to people. Those were very good learning experiences, and  
16 I think they prepared me for this type of situation.

17           I also founded a small organization in Southern  
18 California called Interfaith Witnesses. This is probably  
19 the last thing in the world you would picture me doing, but  
20 we do have some active hate groups in the area, and so,  
21 when they're targeting any group of faith because of their  
22 faith, we gather. It's a group of clergy and laity, and we  
23 stand in a line and create a visual barrier, and absorb  
24 whatever the hate group is doing, spitting or throwing  
25 things or who knows, and try to allow the attendees to get

1 to their worship or to their event unharmed, and when we  
2 need to, we also escort them in.

3           This is something that I do because I think it's  
4 the physical embodiment of this same type of work. It's  
5 the recognition that, because that isn't my faith, it  
6 doesn't mean it isn't my business. It's my community, and  
7 so it makes it my business, and so that's why I formed the  
8 organization, and we've been functioning since 2011, and  
9 defending all faiths.

10           I also served with the American Friends Service  
11 Committee, the Quakers, although I myself am not Quaker,  
12 but I served on a Middle East committee, and served as  
13 chair for quite a few years -- I can't remember how  
14 many -- and that's where I really learned consensus  
15 practice in action, and saw the tremendous value in it, and  
16 so I think that's another part of this.

17           The lessons I would take from these, and have taken  
18 from these experiences, is to be patient, and to truly care  
19 about the public and about one another as Commissioners, to  
20 remember that other people just might be right, I might be  
21 wrong. I hate when that part comes up, but, boy, does it  
22 come up, and I think we have to face that head-on, looking  
23 for the worthiness in every person, and maybe the most  
24 important one is letting silence work its magic.

25           I learned part of that from being among the

1 Quakers, and I learned part of it from a law professor in  
2 either my mediation certification or my arbitration  
3 certification. He said, "If you leave a man in silence  
4 long enough, the truth will come to him." And so, right  
5 away, I wanted to reject the statement, because I thought  
6 it was sexist, but once I got past that part, I saw what a  
7 brilliant statement it was, and so it's been probably 25  
8 years since I got certified, and I use that every day.

9           It would not be an exaggeration to say that I use  
10 that every day. I turn my sound machine off, and I let  
11 silence do what it's going to do. If I ask someone a  
12 question that's a tough question, I have to resist the urge  
13 to jump in and soften it. I just have to let silence work,  
14 and it never, ever fails.

15           MR. DAWSON: Question five: A considerable amount  
16 of the Commission's work will involve meeting with people  
17 from all over California who come from very different  
18 backgrounds and a wide variety of perspectives. If you are  
19 selected as a Commissioner, what skills and attributes will  
20 make you effective at interacting with people from  
21 different backgrounds and who have a variety of  
22 perspectives? What experiences have you had that will help  
23 you be effective at understanding and appreciating people  
24 and communities of different backgrounds and who have a  
25 variety of perspectives?

1 MS. TAMOUSH: I've presented well over 500  
2 workshops on intercultural issues, and I think that's  
3 probably prepared me for a lot of that. It sometimes  
4 surprises me when someone else points out that this person  
5 seems to have this certain cultural attribute because I  
6 think, actually, after a while, it just blends in, and  
7 maybe, if you are exposed to it a lot, maybe it just blends  
8 in, and you don't notice it anymore, but knowing that it's  
9 there is really important, because it can explain someone's  
10 method of communication or their way of thinking, and it  
11 can explain an outcome that may be more desirable to them.

12 I was the executive director of the Human Relations  
13 Commission for the city of Pasadena at a time when hate  
14 crime was just becoming recognized. Actually, I helped  
15 draft some legislation that eventually was passed that  
16 created sentence enhancements for hate crimes, and at that  
17 time, I did a number of presentations on hate crime,  
18 because it just wasn't understood, and these presentations  
19 were to law enforcement, because they needed to know this  
20 out in the field. They needed to know what the law does  
21 and doesn't say about it, and how they should report a hate  
22 crime, and what should and should not be reported, and so  
23 that was really informative, and it brought me in contact  
24 with people from every walk of life, including really  
25 dangerous people from hate groups, and having to remind



1 myself of their worthiness.

2 I've also had the great privilege of seeing the way  
3 people are transformed when they're listened to, and that  
4 happened in the Arab-Jewish dialogue group every single  
5 session. It sometimes happens in my work, when I  
6 investigate an EEO complaint. Human beings are capable of  
7 the most incredible change, the most incredible vision and  
8 compassion, and sometimes it's just buried under a whole  
9 bunch of other stuff that's really icky, and coming through  
10 that, there's just that same old human being under all of  
11 it, somebody who is just like me, and I have to remind  
12 myself of that.

13 The experiences that would help me understand and  
14 appreciate people of different backgrounds would be all of  
15 my career, doing the things that I've been describing, and  
16 I think also watching how much courage it takes to come out  
17 and make a public statement about some unpopular viewpoint.  
18 When people come and speak in public comment, I frequently  
19 see whoever they're speaking to looking bored or looking at  
20 their phones, and I think, "Hey, stop that. Wake up and  
21 listen."

22 This person stood in line. Their hands are  
23 trembling, like mine are now. They probably stayed up and  
24 prepared a statement for you. Listen. Listen to what  
25 they're saying, and give them that. Give them that basic

1 respect of hearing what they have to say. You don't have  
2 to agree with it or like it or anything, but you should  
3 listen.

4 MR. DAWSON: Thank you.

5 Each of the Panel Members will now have 20 minutes  
6 to pose their questions. We'll start with the Chair, Mr.  
7 Coe.

8 CHAIR COE: Thank you, Mr. Dawson.

9 Ms. Tamoush, thank you for being here.

10 MS. TAMOUSH: Thank you, sir.

11 CHAIR COE: So, in your essays, and earlier in your  
12 response, you referred to your role as a certified  
13 mediator, and I'm wondering if you'd tell us a little bit  
14 about some of those experiences, and how you think some of  
15 those experiences will benefit the Redistricting  
16 Commission.

17 MS. TAMOUSH: I mediated all sorts of conflicts,  
18 landlord-tenant, neighbor-neighbor, even a couple of  
19 estates when someone has passed away, and usually people  
20 come to mediation after they've tried everything they could  
21 try on their own. So they're usually really at odds with  
22 one another by the time they contact a mediation  
23 organization, and so the first part is trying to make a  
24 space for them each to express themselves, and to set a  
25 tone right from the very beginning of listening to one

1 another and of having a shared outcome.

2           If you can make clear in your first opening few  
3 statements that they do have a shared outcome, that they're  
4 sharing a common goal, they already have something in  
5 common, and pointing that out to them -- and it can be as  
6 simple as, you know, "Can you agree that we're working  
7 toward resolving this person's estate?" And this one says  
8 yes, and you ask this question again and one says yes, then  
9 immediately congratulating them on their first agreement.

10           It can be just that simple, to recognize that this  
11 is really painful for both of them, that they came to this  
12 feeling that they are enemies, and maybe they had been very  
13 close at one time, but moving them toward that shared goal  
14 is so incredibly rewarding. I always think, "I can't  
15 believe I got to see that, and to see how people really do  
16 transform."

17           I think it's just an amazing process, and that, I  
18 think, has prepared me for this type of a Commission and  
19 other roles where I've been on a board of directors or on  
20 some committee where the same thing happens. People come  
21 forward with opposing viewpoints, and it's my  
22 responsibility to make sure that all the voices are heard,  
23 that one doesn't overpower the other, and that they're  
24 reminded of a shared goal, and that they reach it together.

25           CHAIR COE: So, from your application materials and

1 your answers thus far, it's pretty clear to me that you've  
2 spent a considerable amount of your life working to improve  
3 the lives of others, many different kinds of people. I  
4 mean, you mentioned -- I forget the name of the  
5 organization, but acting, essentially, as a human shield  
6 in --

7 MS. TAMOUSH: Interfaith Witnesses.

8 CHAIR COE: -- in defense of potential victims of  
9 hate crimes. This is kind of a three-part question I just  
10 have. I'll start with the first one.

11 MS. TAMOUSH: Yes, sir.

12 CHAIR COE: I would like to start with, what  
13 motivated you to get involved in those types of efforts?

14 MS. TAMOUSH: I think I had no choice, actually.  
15 There had been a really horrifying incident in Orange  
16 County. There were even a couple of elected officials  
17 involved in showing up outside of a -- it was a fundraiser  
18 by a Muslim organization. They were building a battered  
19 women's shelter.

20 As the attendees were walking in, this group  
21 of -- this hate group gathered outside, as I say, including  
22 a couple of elected officials, and they were saying the  
23 most vile, horrifying things to these families walking in,  
24 and someone videotaped 11 minutes of that, and I saw it.

25 It went all through the Internet, and, you know,

1 everyone was sharing it with each other, and everybody kept  
2 saying, "Somebody needs to do something about this," and  
3 people would name different community organizations, and  
4 "You all ought to get on this. You ought to do something  
5 about this. Somebody has to do something about this."  
6 Just before I felt asleep that night, I was kind of  
7 half-asleep and half-awake, and I just sat upright, and it  
8 just came to me, "Well, I'm somebody, so I should do  
9 something about this."

10           So I called first any clergy that I knew or had  
11 every met, or I thought might possibly take my call, and  
12 asked if they would be willing to come stand in a line like  
13 that to defend some other faith's right to gather, and much  
14 to my shock, they all said yes, actually, and it was a  
15 really diverse group of clergy. Then I started thinking,  
16 "Why should they get to do this? Why not laypeople?" And  
17 so I started to contact laypeople, and held an  
18 organizational meeting, explained what I had in mind.

19           I thought maybe three or four of my friends would  
20 show up, just out of pity for me, and then they would take  
21 me out for tea afterward and console me because nobody  
22 wanted to do it, but, instead, there were like 40 strangers  
23 in the room, and those four friends, and the organization  
24 formed right there and then, and we've been doing this ever  
25 since. It wasn't a choice I made. I don't know, really,

1 what word to use, but I didn't choose to do it. It just  
2 had to be done.

3 CHAIR COE: So, in addition to that, you have, in  
4 your career and in the other things you've done, have also  
5 been geared towards helping people, and which of these do  
6 you think you're most proud of?

7 MS. TAMOUSH: I try to shy away from pride, because  
8 I think I'm probably not supposed to feel a lot of that,  
9 but I guess maybe Interfaith Witnesses would be up near the  
10 top of that list. It's hard to say which I'd be more proud  
11 of because, frankly, I don't do this -- it's that line of  
12 people.

13 If I stood out there alone, I'd be covered in  
14 rotten tomatoes and spit. It's that line. It's their yes  
15 answer to my question. That's what made it effective. So,  
16 honestly, I could give you some, you know, religious  
17 answer, but the truth is, it's not my doing, really.

18 CHAIR COE: And the third part of this question is,  
19 how do you think that these experiences will be of benefit  
20 to the Citizens Redistricting Commission?

21 MS. TAMOUSH: If you've come through a  
22 high-conflict situation, and you kind of dust yourself off  
23 and look around, and realize you have no broken bones, and,  
24 actually, you did some good somewhere along the line, and  
25 nobody got hurt, I mean, you really ought to do that more,

1 and I think this is just a natural extension of these other  
2 things that I told you about. I think this is in that very  
3 same line.

4 CHAIR COE: So, based on what I could see in your  
5 application, you have lived and worked in the Los  
6 Angeles/Orange County region for most of your time in the  
7 state. Is that right?

8 MS. TAMOUSH: Yes, sir. I lived in Chicago in, I  
9 think, maybe like '87 or '88 to '91, or something like  
10 that, something around that, and then, early on, I lived in  
11 Saudi Arabia for a year and a half, in the end of '77 and  
12 all of '78.

13 CHAIR COE: Can you speak a little bit about your  
14 experiences in, maybe, different regions of California  
15 outside of Los Angeles, Orange County, and what you may  
16 have learned about the people in these different regions of  
17 the state?

18 MS. TAMOUSH: As you probably see on my resume, I  
19 worked for the American-Arab Anti-Discrimination Committee.  
20 It was the first office outside of Washington, D.C., so  
21 there was no pattern to follow or anything like that, and  
22 pretty much, you know, an ethnic-based organization like  
23 that tends to be reactive. People bring you problems, and  
24 then you try to help them solve those problems.

25 One of the problems that was brought to us was that

1 a gentleman came and said that he lived in Fresno, and that  
2 there was a large community of Yemeni farmworkers whose  
3 rights were being abused, and more he explained, and the  
4 more documentation he provided, I realized he actually did  
5 have documentary evidence. It wasn't just stories he was  
6 just bringing verbally. He really had prepared something  
7 on each one of these individuals that had problems, and  
8 they were very serious problems. There were two  
9 farmworkers who had died in the field, and the grower just  
10 left their bodies there, and things like that.

11 So it needed really heavy-duty work, and I wound up  
12 going there. I worked in the office, which was in Santa  
13 Ana, during the week, and then, on the weekends, I would  
14 drive to Fresno, and then he would take me to all the  
15 different farms, and we would just go to one or two every  
16 weekend and make a stop there, and then listen to the  
17 problems there were. I would gather all the information I  
18 could, and then take it back and work on it during the week  
19 from my office.

20 I learned, really, a lot about how provincial I was  
21 in my thinking, because I didn't ever imagine a situation  
22 like that existed in a community that I have an ethnic tie  
23 to that's maybe two hours or so from where I'm living, and  
24 a community who's creating the food that I buy in the  
25 market, and I realized I never knew any of this, and that



1 means probably most people never knew this existed.

2           So part of what I did -- and, of course, you know,  
3 with the help of our volunteers -- is put together some  
4 legal help for them, some financial help for them, ways to  
5 help them communicate with their families, working with the  
6 growers to get a phone that every farmworker could have  
7 access to. We tried to make some headway with the United  
8 Farmworkers Union, and, unfortunately, it was unsuccessful,  
9 so we just did whatever we could with the resources that we  
10 had, but it was a huge eye-opener for me.

11           Many years later, maybe 20 years later, I found  
12 myself in a job where I did inspections of sweatshops in  
13 downtown L.A., and I went through that same thought  
14 process, and I remember thinking back to those Yemeni  
15 farmworkers, and realizing that the clothes I'm wearing  
16 were made by these people in these sweatshops, in these  
17 conditions, and these have to be recognized. They have to  
18 be brought to light, and they have to be addressed.

19           CHAIR COE: So a large part of what the Commission  
20 is going to be tasked with doing is identifying different  
21 communities of interest across the state.

22           MS. TAMOUSH: Yes, sir.

23           CHAIR COE: How would you go about identifying  
24 communities of interest? Because they're not always easy  
25 to find. It's not always as simple as looking at census

1 information. So how would you go about trying to find  
2 these different communities of interest?

3 MS. TAMOUSH: I think that's where public comment  
4 can be very informative. You can find out, usually, by  
5 letting the public come to you, and by making sure that  
6 it's easy for them to do that. You can usually find out  
7 what people's issues are, and you can find out what groups  
8 exist that are tied either by poverty or tied by social  
9 connections, or by language, or by faith. You can find out  
10 what groups exist and what their issues are.

11 I don't think it's as hard to get communities to  
12 come forward as it is to get them to trust that you're  
13 actually going to do something, or try, that you're  
14 actually going to listen, and I think the public hearing  
15 provides the first step there. It's a way of opening a  
16 door and saying, "We do want to listen, and this is the  
17 method by which we can listen to you."

18 Sometimes even that doesn't work, and sometimes, I  
19 mean, I don't know if it works with this Commission, but,  
20 in other settings, I've found, like with the farmworkers,  
21 sometimes you go to them, and you do what you can to go  
22 through that community and try to identify voices that are  
23 in need.

24 CHAIR COE: So one final question for you. Which  
25 aspects of being a Commissioner do you think that you would

1 enjoy the most? And on the other side of that, which do  
2 you think you might perhaps struggle with?

3 MS. TAMOUSH: I always enjoy seeing something that  
4 I thought couldn't be done actually happen, and since I've  
5 had the privilege of witnessing that quite a lot in my  
6 life, I have no reason to believe it wouldn't happen again.  
7 I think, even though the Commission should and, hopefully,  
8 will be, comprised of really different people with really  
9 different views, I think that that group can come together  
10 and can help draw these lines.

11 The thing I would probably not like, frankly, is  
12 the same thing I don't like in my work. If there's  
13 something involving computers, or learning how to use them,  
14 or doing things on the computer, I'm pretty sure I'm not  
15 going to like that, and whoever wants me to do that  
16 probably won't like my doing it, either.

17 CHAIR COE: Thank you.

18 Ms. Dickison.

19 PANEL MEMBER DICKISON: Thank you for coming today.  
20 So, when I was looking at your application, I looked at  
21 your education and then your professional experiences. How  
22 did you go from a bachelor's in English into the work that  
23 you do?

24 MS. TAMOUSH: I've asked myself that question  
25 hundreds of times in my life. I'm glad for where I wound

1 up, but I couldn't tell you it was a straight path. The  
2 English part is simply because I love a well-turned phrase.  
3 I love to write, I love to read, and I worked as a  
4 freelance journalist in college, and then after college for  
5 a while, and I think the step between that and activism  
6 wasn't a very long one.

7           So, going into the ethnic organizations, it just  
8 seemed like a very natural progression, because a lot of  
9 what you're doing is the same. You're taking in  
10 information, and then you're reporting it and organizing  
11 that information, and then looking for next steps. So,  
12 instead of the next step being "How will I sell this story  
13 to the editor?" or "How will I get that photographer to  
14 wake up on time and get to the story with me?," instead  
15 it's a different set of problems to solve. It's, you know,  
16 "How do I get this need in this community addressed, and  
17 what resources can I marshal among the people I know, and  
18 then how can I get over the embarrassment of asking someone  
19 I don't know to get involved and help?"

20           PANEL MEMBER DICKISON: As Mr. Coe was discussing,  
21 you have to -- one of the things the Commission is going to  
22 need to do is identify the communities of interest, and  
23 some of those communities are really hard to identify, and  
24 then there's also the competing priorities between them.  
25 The regulations don't set out priorities between those

1 communities of interest, cities, counties, or  
2 neighborhoods.

3           When you're looking at that, and you're looking  
4 at -- I see in your application that you did consensus  
5 training. How will that kind of training and work help you  
6 with kind of working on those priorities with the different  
7 communities?

8           MS. TAMOUSH: I think that's probably exactly the  
9 type of training that at least could be a start, because,  
10 with consensus, one of the things that you learn is the  
11 technique of "standing aside."

12           It's a Quaker term, and there are some other terms  
13 for it, but what it essentially means is that you see that  
14 there's not agreement yet in the group, and you see that  
15 you may be the only opinion that's different from the rest  
16 of the group, or maybe you're one of a couple of people,  
17 and you see that the level of investment of those who feel  
18 differently from you is so much higher than your level of  
19 investment in your point of view that you choose to stand  
20 aside, which means to allow the decision to go forward, and  
21 it empowers the person who stands aside.

22           It respects those who are in the group, and it  
23 keeps work flowing, and learning that technique was a real  
24 eye-opener, because I realized that it has applications all  
25 over the place, and in a staff meeting -- it can be

1 anywhere you can find yourself in a situation where those  
2 basic tenets of consensus can unlock a very difficult  
3 conversation.

4           PANEL MEMBER DICKISON: Another thing that is going  
5 to be really important is ensuring that each of the groups  
6 feels heard, and so, when you have each of these groups,  
7 what are some of the methods you can take to ensure that  
8 they feel heard?

9           MS. TAMOUSH: I think repeating back something that  
10 they've emphasized, so that they know that you heard it, is  
11 one good way. You probably see on my resume that I was a  
12 hearing officer for about eight years, and my primary goal  
13 was to make sure that I captured everything that was said  
14 to me by the plaintiff and the defendant, and so I found  
15 myself writing constantly, truly constantly, from the  
16 moment the hearing began until it ended, because I just  
17 wanted to make sure I got all the points everyone was  
18 saying, and every once in a while, one of them would say,  
19 "I don't know if you're listening to me," and I realized  
20 capturing the information is only half of what they need.  
21 They also need to know what I'm doing.

22           So I would explain to them, "Here's what I'm doing.  
23 I'm going to try to make eye contact with you just as much  
24 as I can, but the importance of writing is so that, after  
25 you leave this room, I don't wonder, 'What did he say, when

1 he said, "The most important thing is"?' I want to have it  
2 on paper so that I can really go back and think about what  
3 you've said."

4 I think recognizing that to someone really helps  
5 them understand that you're paying attention. You've seen  
6 them, you've heard them, and acknowledging that what  
7 they're doing may be difficult. If someone is struggling  
8 to speak, I think it's important to acknowledge that, you  
9 know, "Thank you for your words." It doesn't have to be  
10 anything huge. There's so little kindness left in the  
11 world that even a tiny thing like "Thank you for your  
12 words," people will remember that for ages.

13 PANEL MEMBER DICKISON: So you've already talked  
14 about some communities of interest and, you know, what  
15 binds some of those together. Can you think about the  
16 community concerns kind of in your area, and what  
17 communities of interest exist there, and what is binding  
18 those groups together?

19 MS. TAMOUSH: In my small neighborhood, not in the  
20 city of Tustin or in the county of Orange, but in my little  
21 neighborhood, we have a number of refugees and a lot of  
22 immigrants, recent immigrants, and so what's going on at  
23 the border is really of high interest in our community.

24 Any time there's an arrest, or some problem where  
25 someone fails to get whatever they are looking for in

1 court, it gets around the community very quickly, and one  
2 of the things that those of us who are not immigrants or  
3 refugees try to address is how that ripples through the  
4 entire community.

5           There are a lot of people who want to be helpful,  
6 but it can be very discouraging if you see one bad  
7 situation after another, with one bad outcome after  
8 another, and so I think it's especially important for those  
9 of us who are not in the affected group to provide some  
10 sort of positive input to -- I guess it's better just to  
11 describe what we do. Sometimes we'll just gather at  
12 someone's home or in a park and discuss this. Sometimes  
13 it's a bunch of people just focusing some kind words on  
14 someone who's gone through a tough court hearing or a trial  
15 and it didn't work out well, providing assistance to a  
16 family when maybe someone has been deported, visiting  
17 someone who's in detention.

18           These kinds of things, I think, really address the  
19 human pain that's present in a community like that, and, to  
20 tell you the truth, these things I'm describing to you are  
21 really the tip of the iceberg. There's just so much more,  
22 but I'm telling you only what I know of, and what I've been  
23 involved in.

24           PANEL MEMBER DICKISON: And how would your  
25 knowledge of that information help you identify some of



1 those communities of interest not in your area, but  
2 throughout the state, that might be difficult to reach?

3 MS. TAMOUSH: I never would have believed that some  
4 of these things are happening unless I had this firsthand  
5 knowledge and interacted with some of these families and  
6 individuals. It's a lot like the sweatshop thing and the  
7 farmworkers thing.

8 It's awfully easy to live a very comfortable life,  
9 especially in Orange County, and not know or choose to know  
10 that all this is going on. Knowing it and being involved  
11 with these folks kind of changes everything. You can't  
12 just happily go forward in your community and just enjoy  
13 your life if you know that your neighbors are really  
14 struggling with something and that you could, in fact,  
15 help. I think that makes the difference.

16 PANEL MEMBER DICKISON: So geography and  
17 communities of interest and those types of things can  
18 sometimes drive someone's preferences for representatives  
19 or what they're looking for. What do you see as some  
20 factors that might drive someone's preferences for  
21 representatives in different regions throughout the state?

22 MS. TAMOUSH: Well, I think it depends on what  
23 their background is. You know, some refugee families are  
24 going to have completely different priorities than their  
25 next-door neighbor, who might have a very affluent life.

1 So I think it really depends on what their life experience  
2 has been. Did I understand your question correctly?

3 PANEL MEMBER DICKISON: Uh-huh.

4 MS. TAMOUSH: Okay. I think it just comes from  
5 what they struggle with, and what needs they have that  
6 aren't getting addressed, and mostly people don't ask that  
7 question. Mostly people don't come up to us in life and  
8 say, "What do you need? What could help you?" And I think  
9 this Commission is something that could help people, and  
10 maybe they don't know it exists, and so to find that out  
11 could really be very uplifting for communities who are  
12 struggling.

13 PANEL MEMBER DICKISON: You served as a guest  
14 instructor for the certificate course "Managing  
15 Multicultural Environments"?

16 MS. TAMOUSH: Yes, ma'am.

17 PANEL MEMBER DICKISON: What can you take from that  
18 to assist you with the Commission's work?

19 MS. TAMOUSH: Well, because I was teaching it, I  
20 also got to take the course the first time, and I loved it.  
21 I thought it was fascinating, because the component that I  
22 taught was about the Arab-American community, and so I got  
23 to experience the presentations from all the other  
24 instructors on their communities, and from that, I learned  
25 a lot about a lot of different ethnicities, and it was

1 rather early on in my career.

2           So it was knowledge that I came to use over and  
3 over again, and it also helped me see, because that course  
4 focused on the workplace, how these components come into  
5 play in the workplace, and how many times I had experienced  
6 some conflict at work and, after taking that course, I  
7 could look back and realize, actually, what was at play  
8 there, or cultures that were dissonant in some way, and it  
9 wasn't being dealt with, and so it came out as a conflict  
10 among staff members, but it actually wasn't about an issue.  
11 It was maybe an approach or a tone of voice or a demeanor,  
12 but it wasn't about an actual work issue, and it kind of  
13 tuned me into that, and I think that would be helpful for a  
14 Commissioner.

15           PANEL MEMBER DICKISON: Can you provide an example  
16 of that?

17           MS. TAMOUSH: I can give you several. Here's a  
18 good one. There was a young man who wanted to volunteer in  
19 our office doing clerical work, basically. It was before  
20 computers, so it wasn't like I was trying to wiggle out of  
21 that or anything. And so I was trying to tell him what I  
22 would like him to do, and I wanted him to maintain this  
23 mailing list, and he just would just never look at me, and  
24 I would hold that and see, "You see what I'm trying to show  
25 you?"

1 I kept, I guess, getting in his space, because I  
2 felt like he just didn't want to listen to me, and much  
3 later, I wound up in that course, and I realized, in his  
4 culture, he was showing respect to me, and I took it  
5 exactly the opposite way, like he didn't want to interact,  
6 he didn't want to look at what I was showing him, he didn't  
7 want to take instruction. I took it all wrong.

8 Of course, you know, you wish you could kind of  
9 wind the tape back and fix stuff like that, but life  
10 doesn't let you, so you just fix it by going forward and  
11 doing a better job next time, but those little small things  
12 like that can really mean a lot, and now I am able to say  
13 to someone else, "I think maybe what this person is really  
14 saying or is really doing -- I think what's motivating this  
15 person is" -- because I've able to encounter some of that  
16 from lots of different backgrounds.

17 PANEL MEMBER DICKISON: So the first eight  
18 Commissioners will select the final six. Can you share  
19 what factors or qualities, if you were one of the first  
20 eight, you would be looking for in the final six  
21 Commissioners?

22 MS. PELLMAN: Five minutes.

23 MS. TAMOUSH: Thank you. Well, I bet you could  
24 predict that I would say they should be able to listen more  
25 than they talk. They should know the value of listening.

1 I would hope that they would also place value on diversity,  
2 so that they themselves share that value, feel that value.

3 I would hope that they would be people who try to  
4 keep an open mind, and not push for their own agenda and  
5 push for an outcome that they think would be best, but to  
6 allow a process to unfold, and relinquishing that control  
7 is really hard for us to do, but that's where you get a  
8 really good, strong outcome. You let that process unfold,  
9 and every individual person's gifts come forward, and it's  
10 always way better than any outcome you could design  
11 yourself, because we can't dream that big.

12 PANEL MEMBER DICKISON: Okay. I don't have any  
13 further questions.

14 MR. DAWSON: Mr. Belnap.

15 VICE CHAIR BELNAP: Thank you.

16 Many of my questions have been answered by your  
17 testimony, and also by the questions and answers that  
18 you've provided from the other Panel Members. I have one  
19 from your application.

20 You say that -- although you live in Orange County  
21 now, you indicate in your application that you grew up in a  
22 rural agricultural community that is now part of San  
23 Bernardino. How has this upbringing affected your choices,  
24 and how will it affect your efforts as a Commissioner?

25 MS. TAMOUSH: Well, it's affected my choices by

1 making me a lot more mindful of agriculture and the role  
2 that it plays in our economy, and the role that it plays in  
3 people's lives. I don't think I would be as mindful of  
4 that if I hadn't grown up where I did, and had the  
5 experience of being part of that community. I don't have  
6 any friends who know what a grange is, but I sure do, and I  
7 think, you know, some of that kind of thinking, it just  
8 sort of stays with you.

9           The way that it would affect a Commission or a role  
10 that I may play on a Commission would be that it does allow  
11 me to see yet another group. It's not just about ethnic  
12 groups. It's not about economic groups. But the  
13 agricultural community is a really strong and tightly knit  
14 one, because they have to be. Their opposition, in most  
15 cases, is the weather. It's the environment. It's the  
16 political climate, and whether they're going to be able to  
17 grow that season, and are they going to be able to grow  
18 what they're planned to grow, or are they going to have to  
19 change gears? Those kinds of things are -- they have a  
20 huge effect on the rest of the economy, but maybe I don't  
21 think it's largely visible to people who aren't connected  
22 to that community.

23           VICE CHAIR BELNAP: Okay. Thank you. So you  
24 talked about teaching workshops, and the concept of getting  
25 neutral before you get into an arbitration or some sort of

1 conflict, getting to a place where you're neutral, and you  
2 said there's different ways to achieve that. Can you give  
3 us some examples of how to get neutral?

4 MS. TAMOUSH: Yes, of course. One suggestion I  
5 make to people is that they imagine an old-fashioned  
6 scales, with a bar across and two plates hanging, and  
7 there's a huge rock dropped onto one side, and so, of  
8 course, that goes straight down, and the other side goes  
9 straight up, and it's swinging wildly.

10 So there's chaos going on right there, and then you  
11 bring that other rock, and so you're envisioning this now.  
12 It's exactly the same weight as that first rock, and you  
13 place that on that scales, and the scales comes into  
14 balance, just slowly and gently into balance, until it  
15 stops perfectly evenly, and envisioning that more slowly  
16 than I'm describing it to you now, and perhaps in a quiet  
17 place where there aren't any distractions, can help a  
18 person get neutral. It's just a term that I use.

19 Another method that I suggest to people, especially  
20 if someone is very visually based, is to picture a room  
21 like we're in right now, but everything very slowly and  
22 gradually turns exactly the same shade of beige. So the  
23 carpet changes, and the these tablecloths change, and you  
24 all are becoming beige, and the wall is beige, the lighting  
25 is beige, the microphone. Everything suddenly just becomes

1 beige, very gradually, until all color is neutral. There  
2 is no color left anywhere whatsoever, so all of our  
3 features, our eyes, everything is exactly the same color,  
4 and then envisioning that, and staying with that vision  
5 that you have of the same room that you just saw filled  
6 with color like this one is.

7           Another one I suggest to people is to envision  
8 themselves driving, maybe in their city or their town, and  
9 there are signals, and they're turning, and there's stop  
10 and go, and sometimes fast and sometimes they're slowing  
11 down, and then, all of a sudden, they're on the open road,  
12 just a straight long road as far as you can see into the  
13 horizon, and there's nothing except that blacktop and a  
14 line down the middle, and you're going the exact, same  
15 speed, and you just stay that speed, and so to again go  
16 into maybe a quiet place to envision this, maybe close your  
17 eyes while you envision it, and stay on that road just as  
18 long as you can, until you actually feel your breathing  
19 slow. You feel your heartrate slow. You feel yourself  
20 becoming completely and totally neutral.

21           I do suggest to people in Interfaith Witnesses that  
22 before we join a witness line, that when they arrive,  
23 wherever we're gathering, we have a little sheet called  
24 "What We Do," to kind of remind people of the procedure,  
25 and I suggest that when they arrive there, "Roll up the



1 windows of the car. Do a neutral exercise, and make sure  
2 that you get neutral before you get out of your car and  
3 join the witness line, because, between your car and the  
4 witness line, you may very well be shoved or pushed, or  
5 yelled at or insulted, or have some encounter with the hate  
6 groups that are there."

7           So you want to do that preparation, so that you're  
8 able to walk right by it. It just doesn't matter. It  
9 falls away. You join the witness line, and you're part of  
10 the greater good.

11           VICE CHAIR BELNAP: Thank you

12           MS. TAMOUSH: Yes, sir.

13           VICE CHAIR BELNAP: So you also talked about the  
14 power of coming to consensus, and you shared one of the  
15 tenets being standing aside. Would you mind sharing enough  
16 tenet of building consensus?

17           MS. TAMOUSH: Well, listening is a huge part of it  
18 because, in order to reach consensus, you have to have  
19 listened and really heard each voice to the point where it  
20 becomes as valuable as your own. That's so huge. It's not  
21 something we're trained to do. It's not something we can  
22 do naturally.

23           So we have to really work at it, and the whole time  
24 that you're sitting in a group that's coming to consensus,  
25 that has to really be at the forefront of your mind, is

1 this person's opinion, with which I disagree right out of  
2 hand, is exactly as important as my point of view. I have  
3 to keep hearing it. I have to see what makes sense, why  
4 does that matter to that person, until you really equally  
5 value every voice there the way you value your own.

6           It sounds impossible. I know that. And every time  
7 I describe this to someone, they politely say, "That sounds  
8 so nice, Vicki. Thank you for explaining that," and then  
9 they walk away and say, "That will never work. She's an  
10 idiot." See, here's the thing. It works. It doesn't  
11 matter if they believe me or not.

12           I don't care if they make fun of me. That doesn't  
13 matter, either, because it just happens to work, and the  
14 magic that takes place among human beings, that brings you  
15 to great change and brings communities to a level above  
16 where they used to be, is exactly that. It's coming to the  
17 point where every voice matters the way your own voice  
18 matters. So now you yourself find a way to make that other  
19 voice get heard, even though you hate what they're saying,  
20 you wish they weren't saying, and it's just going to cause  
21 so many problems, but that's the way it works. It has to  
22 be done. That's how you elevate. That's how you rise as a  
23 community.

24           VICE CHAIR BELNAP: Thank you. No further  
25 questions.

1 CHAIR COE: Okay. Mr. Dawson.

2 MR. DAWSON: Yes. Ms. Tamoush, I have a few  
3 follow-up questions. In your essay about analytical  
4 ability, you described some of the jobs that you've had.  
5 You were an investigator at the Department of Fair  
6 Employment and Housing, and you were reviewing documentary  
7 evidence and interviewing complainants (sic) of witnesses.  
8 Was that the primary way that you received information in  
9 your job?

10 MS. TAMOUSH: Yes. I could explain it, maybe, by  
11 telling you the process. Someone would come into the  
12 office and file a complaint, and then they would wind up in  
13 front of me, eventually, and I would ask them to tell me  
14 what happened in great detail, and bring all of their time  
15 cards or whatever documentary evidence they had, and then I  
16 would analyze it, and be sure that, first of all, it was  
17 credible evidence, that it was something I could actually  
18 use, and that what they were saying actually did  
19 demonstrate a violation of the law, because, if it doesn't,  
20 if it's something that they just think is unfair, but it's  
21 not illegal, then I have to give them that bad news, but,  
22 if it is illegal, and there is proof that it occurred, now  
23 you have an act of harm.

24 You have a nexus. You have a causal connection.  
25 So now you can go forward. So that's when you present this

1 information to the employer, and tell the employer, "This  
2 is what I now have. I have sufficient evidence that there  
3 was a violation of the law," and, you know, you try to  
4 reach a settlement, and so there you're using the mediation  
5 skills. If the employer says, "Absolutely not. This  
6 person is a liar" -- and that happens more than you might  
7 think -- then they want to go to a hearing, and when they  
8 go to a hearing, then they're going to try to disprove what  
9 the complainant is saying.

10           Every once in a while, maybe, I don't know, five  
11 percent of the time, they might be able to do that, but  
12 it's very difficult to do that without falsifying records.  
13 If the complainant already has time records, and the  
14 defendant brings in something that's not so credible, and  
15 looks like they might have made it up yesterday, and it's  
16 all in the same handwriting, and it's all with the same  
17 pen, and you know that something isn't right there, then  
18 you have to go forward, and there will be an award for the  
19 plaintiff.

20           MR. DAWSON: So would it be fair to say that, in  
21 your experience as an investigator, as a hearing officer,  
22 as a discrimination EEO investigator, you feel comfortable  
23 about judging the sufficiency of the evidence that's  
24 brought to you?

25           MS. TAMOUSH: I do. I do. I think that I can

1 properly assess evidence and witness credibility. I have  
2 to be able to do that well to do my job well.

3 MR. DAWSON: So, moving forward to if you are  
4 selected to be a Commissioner, a great deal of the evidence  
5 that will be brought to the Commission not only will be,  
6 you know, testimony and public meetings, but, also, there  
7 will be geographical GIS data. You mentioned before you're  
8 not super computer --

9 MS. TAMOUSH: Yes. The computer I have --

10 MR. DAWSON: So talk --

11 MS. TAMOUSH: I'm just an (indiscernible).

12 MR. DAWSON: Talk to me about that, about would you  
13 feel comfortable -- how would you assess the evidence of  
14 the GIS data that's brought to you?

15 MS. TAMOUSH: I think I can probably be taught just  
16 about anything, because I got this far learning stuff from  
17 other people, but, left to my own devices, you know, truly,  
18 I'm not good with a computer. It's just a fact. I've  
19 tried and tried. I've taken classes. It doesn't come well  
20 to me. But I keep trying, and I will keep trying, and I do  
21 keep learning new stuff, but I've probably caught up to  
22 about 1997 right now, and I'm just going to keep on trying.

23 MR. DAWSON: One aspect of the Commission is the  
24 appreciation for California's diverse demographics and  
25 geography, and it's clear from the answers in your

1 application and the questions we had before, I think, that  
2 the demographics, for sure. My question is about, how can  
3 you demonstrate your appreciation for the different  
4 geographical aspects of California? And I don't just mean  
5 like the mountains and the rivers, but you grew up in San  
6 Bernardino. You've been mostly in the L.A. and Orange  
7 County areas. Is that correct?

8 MS. TAMOUSH: Yes, sir.

9 MR. DAWSON: What is it about the rest of  
10 California that you would like to know about, and that you  
11 would seek out in order to do your job as a Commissioner?

12 MS. TAMOUSH: I guess my instincts are always to  
13 seek out maybe the least likely voice to come forward. I  
14 think that's usually where you find people in struggle, and  
15 you find communities that are struggling.

16 I remember taking a car trip with some friends one  
17 time, and we stopped in a little, small town, and we all  
18 bought bottles of water like that (indicating) in a little  
19 store, and I started to chat with the storekeeper, and came  
20 to learn that the town had some really serious economic  
21 problems that had arisen because of a big manufacturing  
22 plant that opened up nearby, and it put a lot of the local  
23 businesses out of business.

24 It caused career changes for just about everybody  
25 that lived in that town, and it also caused an awful lot of

1 people to move away. The storekeeper said that she thought  
2 it was maybe around 30 percent of the town. They had left  
3 because they couldn't make a life anymore with this  
4 manufacturer that had built their plant so close by.

5           You know, really, I couldn't get it out of mind  
6 when we left there. I couldn't stop thinking about that  
7 town. Not all of us are in a situation to do something  
8 about a situation like that, and so, you know, maybe we  
9 don't know what action to take, but a Commission like this  
10 is a place where those voices can be heard, and where there  
11 might be assistance for people who are struggling in that  
12 way.

13           MR. DAWSON: Does the Panel have any follow-up  
14 questions?

15           CHAIR COE: I do not.

16           Ms. Dickison?

17           PANEL MEMBER DICKISON: I do not.

18           CHAIR COE: Mr. Belnap?

19           VICE CHAIR BELNAP: I do not, either.

20           CHAIR COE: Okay. We have a little over 19 minutes  
21 left in our 90-minute period. I have no more follow-up  
22 questions, Ms. Tamoush. Would you like to make a closing  
23 statement to the Panel?

24           MS. TAMOUSH: I like to think that one of my gifts  
25 is brevity, so I'll tell you just this, and it won't take

1 19 minutes.

2 I have an uncle who's been real influential in my  
3 life, and we are in similar lines of work. He's a  
4 professional arbitrator, and by attending arbitrations and  
5 listening in with some of his work, I've learned a lot, and  
6 I made career choices based on some of the things I  
7 learned, and one of the things that he impressed upon me,  
8 once I was old enough and could become certified, is that I  
9 should, not for a career, and not to necessarily use for my  
10 own gain, but to get certified to serve the public.

11 And I was young at the time, and I needed him to  
12 explain that to me more than once, and each time he  
13 explained it, I understood it better, and I made it more of  
14 a priority in my own life, and, sir, you kindly pointed out  
15 that I've been in positions like that as a volunteer, and  
16 also in my work, and that was intentional.

17 That was something I did by design, because I think  
18 he's exactly right about that. I think, if you have a  
19 skill -- and certainly those third-party neutral skills  
20 like mediation and arbitration are not something you find  
21 just every day. If you have that skill, shouldn't you then  
22 use it to help your community? Shouldn't you then take  
23 that, develop the talent as far as you can, and use it to  
24 help people?

25 As you can probably see from my resume, I haven't



1 worked as a mediator and arbitrator. I just do that as a  
2 volunteer, because I really do think it's important. If  
3 you could just get each person to serve their community in  
4 some tiny, little, small way, I have a funny feeling that a  
5 lot of these issues that we're addressing would evaporate.  
6 They would become -- they would be resolved by people who  
7 live in that community and are affected by it. So I think  
8 encouraging people to serve, and then making the choice to  
9 serve yourself, is an important choice to make in life, and  
10 I thank you for listening to me today.

11 CHAIR COE: Thank you very much, Ms. Tamoush.  
12 Appreciate your being here.

13 MS. TAMOUSH: Thank you, sir.

14 CHAIR COE: Our next interview begins at  
15 3:00 o'clock. We'll be in recess until 2:59.

16 (A recess was held from 2:28 p.m. to 2:59 p.m.)

17 CHAIR COE: All right. It's 2:59. We're ready to  
18 reconvene this meeting.

19 I'd like to welcome the next Applicant for  
20 interview, Mr. Keith Overbey.

21 MR. OVERBEY: That's me.

22 CHAIR COE: Welcome. Thank you for being here.

23 MR. OVERBEY: Thank you for having me.

24 CHAIR COE: Mr. Dawson, would you please ask the  
25 standard questions.

1 MR. DAWSON: Thank you, Mr. Chair.

2 Mr. Overbey, I'm going to ask you a series of five  
3 standard questions that each of the Applicants has been  
4 asked. Are you ready?

5 MR. OVERBEY: I guess I am.

6 MR. DAWSON: First question: What skills and  
7 attributes should all Commissioners possess? What skills  
8 or competencies should the Commission possess collectively?  
9 Of the skills, attributes and competencies that each  
10 Commissioner should possess, which do you possess? In  
11 summary, how will you contribute to the success of the  
12 Commission?

13 MR. OVERBEY: First of all, thank you for having me  
14 here. You actually have me wearing a suit and tie, which  
15 is unusual for me, now that I'm retired.

16 Anyway, the main thing, I think, that the  
17 Commission and all the Commissioners should possess is a  
18 sense of fairness and a sense of right and wrong. It  
19 doesn't matter -- that's the main thing to me, is a sense  
20 of fairness and equality to everyone. I think that's  
21 something every member of the Commission should possess.

22 I think that there should also be a talent for  
23 listening, and not just talking to hear yourself talk. I  
24 think that's important. It's very important to listen,  
25 listen, listen. That was one of the main things I learned

1 in my job when I was working. I retired as a special agent  
2 from the California Department of Justice. In the last 15  
3 years or so that I worked, I did elder abuse cases, and  
4 many times the witnesses were elderly people living in care  
5 facilities.

6           Unfortunately, in California, we have a  
7 tendency -- well, not just in California, in the United  
8 States -- we have a tendency to maybe institutionalize our  
9 elderly folks and family, and then we don't go see them,  
10 and there was a lot of stories I listened to about  
11 grandchildren, and great-grandchildren, and pictures, until  
12 I could actually get to the question that I needed to have  
13 answered, but that was an ability to listen that got me the  
14 information that I needed, only cost me some time.

15           I think that interviewing people, having interview  
16 skills, is very important, and I think that you have to  
17 question what you hear. I did a lot of research on this  
18 when I first applied for this, or actually before I did. I  
19 understand the 2010 Commission -- they were kind of flying  
20 by the seat of their pants a little bit. It was a new  
21 thing. No one had been there to lay any groundwork for  
22 them. There was a lot of things that they had to figure  
23 out on the fly, so to speak. One of those was interviewing  
24 people.

25           I think it's important that you have an ability

1 to judge -- or I shouldn't say "judge," that's probably the  
2 wrong word -- to evaluate information you receive from  
3 people, and perhaps vet that information.

4           One of the things we did in the grand jury, when I  
5 served on the Nevada County civil grand jury, was that they  
6 had us -- any information we get, we triangulate it,  
7 meaning that you have the information, but you have at  
8 least two or three other sources to corroborate that  
9 information.

10           I think that's very important to do because, you  
11 know, there are people, unfortunately, that will try to  
12 game the system, and after, like I said, spending all the  
13 time I spent as an agent, a special agent and interviewing  
14 people, you develop a skill for learning who is giving you  
15 correct information and who is not.

16           Those are all things I think each Commissioner  
17 should have. The biggest one, of course, is, as I said,  
18 the sense of fairness. In summary, how will I contribute  
19 to the success of this Commission -- excuse me. One other  
20 thing. You've got to have a sense of teamwork. There has  
21 to be folks -- folks have to be willing to work together as  
22 a team.

23           When I was on the grand jury, we had 19 people on  
24 the civil grand jury. You had one report that would come  
25 out from the grand jury on a subject that the grand jury

1 was investigating. There was no minority opinion given,  
2 like court opinions. It was all or nothing, one report.  
3 No other comments are made by anyone. That's under state  
4 law.

5           So you had to be able to shepherd 19 people into a  
6 consensus about how this was going to be read and the  
7 report was going to be written, or if it was going to be  
8 written at all. Many times, it was found that a report was  
9 not necessary. There was nothing to the complaint, there  
10 was nothing to -- everything was actually fine. A report  
11 wasn't necessary. There were times that we wrote a report  
12 saying, "Good job," not just reports that would slam people  
13 or slam departments. So that's the other part of it,  
14 teamwork.

15           How would I contribute to this? I very much have a  
16 sense of fairness and right and wrong, having done what I  
17 did. I was a special agent with the California Department  
18 of Justice for 32 years, and there was a lot of people that  
19 we filed criminal charges against folks, but there was a  
20 lot of folks, a lot of cases, that we simply closed with no  
21 action, because we found it was not warranted. So it's  
22 just as important to find that something is not warranted  
23 as it is warranted, and that's the biggest thing, I  
24 believe, I can bring.

25           I can also bring a skill at interviewing to this

1 panel that perhaps would be of help. For example, when I  
2 got on the grand jury, one of the things that I -- you have  
3 people from all walks of life on that, also, and one of the  
4 things -- an interviewing technique is, you'll ask somebody  
5 a question. They'll answer you. Then maybe you come back  
6 10, 15 minutes later and ask them the same question again  
7 in a different way. You'd be surprised. A lot of times,  
8 you get a different answer. And then you go back and say,  
9 "Okay. What is the correct -- which one is your answer  
10 here?"

11 Well, I actually had -- first time I did that, I  
12 actually had a fellow that was on the grand jury. He  
13 looked at me, stopped me in the middle of the question, and  
14 said, "Keith, you already asked him that." You know, he  
15 thought he was being helpful, but, in fact, he just didn't  
16 quite understand the method to my madness, as the  
17 expression goes.

18 But that's another thing I do, is I do question and  
19 I do ask questions, and that was one of the things that I  
20 noticed from reading about the 2010, is that apparently the  
21 2010 Commission -- some newspaper articles referred to the  
22 fact that there were people that kind of tried to game  
23 them, so to speak, and tried to push an agenda onto the  
24 Commission, and, like I said, I spent a lot of years in  
25 that, and I think I would be good at figuring that kind of

1 thing out.

2 MR. DAWSON: Question two: Work on the Commission  
3 requires members of different political backgrounds to work  
4 together. Since the 2010 Commission was selected and  
5 formed, the American political conversation has become  
6 increasingly polarized, whether in the press, on social  
7 media, and even in our own families.

8 What characteristics do you possess, and what  
9 characteristics should your fellow Commissioners possess,  
10 that will protect against hyperpartisanship? What will you  
11 do to ensure that the work of the Commission is not seen as  
12 polarized or hyperpartisan, and avoid perceptions of  
13 political bias and conflict?

14 MR. OVERBEY: Well, you hit that one. In this day  
15 and age, there is a lot of that, and, you know, I've seen  
16 people that are friends that no longer speak to each other,  
17 that have been -- I mean, people that are family members  
18 that don't speak to each other anymore over this political  
19 atmosphere that we're in in this day.

20 My tendency has always been, if somebody starts  
21 going that direction, I simply tell them, "I'm not going  
22 there. It has nothing to do with what we're doing, and we  
23 don't need to go there." And it brings back the thing I  
24 said before about being fair.

25 I don't play sides. I play what's right, and

1 that's what it is, and the partisanship thing -- and,  
2 hopefully, I would be able to impress that upon the other  
3 members of the Commission, that we don't go there, that it  
4 has nothing to do with what we're doing, and we're going to  
5 take care of business in a fair, neutral, and correct  
6 manner.

7 MR. DAWSON: Question three: What is the greatest  
8 problem the Commission could encounter, and what actions  
9 would you take to avoid or respond to this problem?

10 MR. OVERBEY: Okay. Going back, as I said, when I  
11 first thought about applying for this, I did a lot of  
12 research about -- of course, maybe that's a dangerous  
13 thing, trying to read everything on the Internet, right?  
14 But I did a lot of research on what had occurred, the  
15 makeup of the 2010 Commission, things that occurred. I  
16 read a lot of newspaper articles from a lot of different  
17 newspapers and news sources regarding things that occurred.

18 Two things that stood out for me, which one of them  
19 is one of the things that spurred me towards actually  
20 applying for this, is I noted that in 2010, the person who  
21 represented -- who was the furthest -- how do I say  
22 this? -- the furthest north resident, Northern California  
23 resident -- was a fellow who lived in Esparto, in Yolo  
24 County.

25 I live in Grass Valley. That's north of Esparto,



1 even, and it's not that far up in the Northern California.  
2 And so I felt that, being a Northern California person, and  
3 having worked through Northern California, that there was a  
4 lacking there. There was a lot of people that weren't  
5 represented in 2010 on this, because of that.

6           The other thing I noted was there were -- articles  
7 many times mentioned that there were political operatives  
8 that attempted or did circumvent the work of that  
9 Commission. It goes back to what I was saying before about  
10 trying to figure out if people are actually who they are.

11           There was a couple of articles that mentioned a  
12 couple of different people that claimed to represent  
13 organizations, and they didn't even live in California, but  
14 I don't know if anybody ever asked them, "Where do you  
15 live," you know, "Your organization, is it registered with  
16 the Secretary of State or the Fair Political Practices  
17 Commission, or who are you?" And that goes back to what I  
18 said before. That's one of the things I'd probably ask  
19 people if you put me on the Commission. So I would try to  
20 avoid having people influence the Commission.

21           The other thing that I noted was there were a lot  
22 of -- there were several comments made on several different  
23 areas regarding record contention, or, for lack of a better  
24 term, going back to my law enforcement days, evidence  
25 retention, how you lock it in. How do you store it? How

1 do you maintain it? How is it available to the other  
2 Commissioners to go back and review? I don't know.

3           Perhaps you solved that problem by now, and I  
4 applaud you for it if you have, but I think that's a big  
5 thing. There's got to be a way that -- it's kind of like,  
6 you go to court, you know, "People's Exhibit Number 1,  
7 People's Exhibit Number 2," some kind of a numbering system  
8 or record maintenance system that Commissioners can go back  
9 and review information that's been given to them by past  
10 people, and find it quickly and efficiently. Hopefully, my  
11 experience with some of that kind of thing would be helpful  
12 to the Commission, also, in those areas.

13           MR. DAWSON: Question four: If you are selected,  
14 you will be one of 14 members of the Commission, which is  
15 charged with working together to create maps of the new  
16 districts. Please describe a situation where you had to  
17 work collaboratively with others on a project to achieve a  
18 common goal. Tell us the goal of the project, what your  
19 role in the group was, and how the group worked through any  
20 conflicts that arose. What lessons would you take from  
21 this group experience to the Commission, if selected?

22           MR. OVERBEY: Well, I have to draw a parallel to my  
23 work on the civil grand jury, where we had 19 people who  
24 had to work together to come up with a common report, and,  
25 again, it's a matter of --

1 MS. PELLMAN: Five minutes.

2 MR. OVERBEY: -- getting people to work together  
3 collaboratively. You know, after I was foreman -- I was  
4 foreman of the grand jury in Nevada County for three terms,  
5 three years, and, jokingly, some of the other members gave  
6 me a T-shirt, and I still have it at home, and it has a  
7 picture of a cat on the front, and it says, "World Champion  
8 Cat Herder."

9 There was times that I felt that way, that that's  
10 what I was doing, was herding cats, but I have always had  
11 an ability to be able to talk to people, to be able to  
12 bring people together, and then to be able to work together  
13 as a group towards a common goal.

14 I can tell you a lot of the projects -- I mean, I  
15 guess the best thing I can say is, the projects we had were  
16 the complaints that we worked on in the civil grand jury,  
17 and the reports that we issued. My role was both as a  
18 member and a foreman, so I was on both sides of the fence,  
19 and it was a matter of sitting in a large group and hashing  
20 this thing out in our full-panel meetings of the grand  
21 jury.

22 I would love to be able to tell you about specific  
23 projects, but, as I said in my essay question when I talked  
24 about this, the civil grand jury issues a report. We do  
25 not -- it is the report and the voice of the grand jury on

1 a particular issue. There is not a minority report, and,  
2 unfortunately, the state law requires that that report is  
3 the voice of the grand jury, and I can't really tell you  
4 what went on in the discussions. I'd love to be able to  
5 share it with you, more specifics how we did it, without  
6 getting into specifics about a case. The only thing I  
7 could refer you to is the reports.

8 I can tell you about one report we did that we came  
9 to a consensus, where we discovered that the school  
10 superintendent of a local school district had basically  
11 changed his health benefit money into his salary, so that  
12 his retirement was \$6,000 a year more than it should have  
13 been.

14 Now, we did not have the authority, as the grand  
15 jury, to order that he give back \$6,000. We don't have  
16 that. The grand jury does not have enforcement power. We  
17 strictly have authority to make recommendations, and our  
18 recommendation to that particular school board was "You  
19 send this information to the California State Teachers  
20 Retirement System, and you let them look at it and figure  
21 it out." Well, they followed our recommendation, and  
22 CalSTRS sent them back a notice, and they revoked this  
23 gentleman's -- like I said, \$6,000 a year they took off his  
24 retirement, because he had moved money where it  
25 wasn't -- how it wasn't supposed to be. We did that.

1           We had another case where a fire chief of a  
2 local -- and that's a report, so I'm not telling tales out  
3 of school there. We had another case where we had brought  
4 it up, where a fire district -- the fire chief was  
5 basically staging ambulances for his district within the  
6 geographical boundaries of another district, because  
7 whoever got there first, and picked up the patient, got  
8 paid by the insurance companies, and so he was making extra  
9 money for the fire district that way, but, at the same  
10 time, you're kind of poaching on someone else's territory.

11           That was a couple of the things that we came to  
12 consensus on. That particular case I will tell you that  
13 there was some discussion on. We ended up submitting the  
14 report, and, actually, the judge, the presiding judge of  
15 the grand jury, said that was one of the best reports he'd  
16 ever read, and there was some heated discussion on that,  
17 shall we say, and, unfortunately, I've got to leave it at  
18 that, but there was some heated discussion.

19           MR. DAWSON: Question five: A considerable amount  
20 of the Commission's work will involve meeting with people  
21 from all over California who come from very different  
22 backgrounds and a wide variety of perspectives. If you are  
23 selected as a Commissioner, what skills and attributes will  
24 make you effective at interacting with people from  
25 different backgrounds and who have a variety of

1 perspectives? What experiences have you had that will help  
2 you be effective at understanding and appreciating people  
3 and communities of different backgrounds and who have a  
4 variety of perspectives?

5 MR. OVERBEY: One of the things, working for the  
6 California Department of Justice as special agent, the last  
7 years that I worked elder abuse, I had agents that worked  
8 for me, three agents in San Francisco, Oakland, Bay Area,  
9 two agents in Fresno, and three in Sacramento, and we  
10 worked all the elder abuse cases that came to the  
11 department from Bakersfield to the Oregon border.

12 So I went to a lot of different areas, both urban  
13 and rural, you know, from Bakersfield to Oakland, from  
14 Modoc County to San Francisco, and we were able -- I'm able  
15 to successfully evaluate and work those cases, and I  
16 learned a lot about the people from the various areas.

17 We also would go to Southern California, because  
18 many of the cases had situations where we had witnesses  
19 that were in Southern California, outside of our region, or  
20 we were assisting the Los Angeles or the San Diego teams in  
21 doing tactical things such as search warrants or something.

22 So I've been in every county in California working  
23 a case. I have worked with all races, sex, every type of  
24 person you can think of. I've worked with them. I've  
25 investigated them and worked with them.

1           One of my major things I had to do as a supervising  
2 agent of my team was, it was my job to make sure that the  
3 agents that worked for me were properly trained, and,  
4 hopefully, to help them increase their abilities so that  
5 they could get promoted down the road, you know.

6           I'm glad to say that I think it's several -- I  
7 don't know how many now, but there's several of the members  
8 of my team were promoted to supervision and to in-charge  
9 positions, while I was working and afterwards, and part of  
10 it was because of the way I trained them, because that was  
11 the thing to -- that was the requirement, regardless.

12           The other thing is, if you're out in the field  
13 working with somebody in the job I had, my biggest thing  
14 was I wanted to make sure they could do the job. I didn't  
15 care who they were. I didn't care if they were Catholic or  
16 Protestant. I didn't care if they were male or female. I  
17 didn't care if they were Hispanic, black, Asian, Caucasian.  
18 I didn't care.

19           I just wanted to make sure that they had my back if  
20 we were in a situation, and, again, that's the biggest  
21 thing that I was concerned about. I wasn't concerned about  
22 any other part, other than that. And I'm here, so that,  
23 obviously, it worked.

24           MR. DAWSON: All right. Now each of the Panel  
25 Members will have 20 minutes to pose their questions, and

1 Ms. Pellman will give a reminder at five minutes, and we'll  
2 start with the Chair, Mr. Coe.

3 MR. OVERBEY: All right.

4 CHAIR COE: Thank you, Mr. Dawson.

5 Mr. Overbey, your application materials show that  
6 you've been involved in a number of activities, from  
7 working with the Boy Scouts of America to being the  
8 president of several different chapters of the California  
9 Lions Club, to working as a high school football official.  
10 I'm curious what drew you to these different roles, and how  
11 those experiences could help make you a good Commissioner.

12 MR. OVERBEY: Well, what drew me there? There  
13 would be some people who would say stupidity, but no, I've  
14 always been one that I wanted to help my community, and  
15 that was a way to do it. I was also in, for example, Boy  
16 Scouting. I was in Boy Scouting when I was a kid, enjoyed  
17 the heck out of it. I always thought I'd want to get  
18 involved with it, but I never had any kids of my own, and  
19 then I happened to meet a lady at that time.

20 Now I'm going into personal stuff, but I met a lady  
21 who had a son who was in Boy Scouts. She and I went our  
22 separate ways, eventually, but I remained involved. I  
23 remained involved in the Scouting program. I thought it  
24 taught young men a lot -- and now young women -- a lot of  
25 good values, you know, and that was why I did it.



1           The football, I like sports, played football,  
2 basketball, baseball, everything, when I was in high school  
3 and whatnot. I always enjoyed it, and had a friend who was  
4 a football official who got me involved, and did it for  
5 about three or four years, enjoyed the heck out of it.

6           I was a member of the Lions Club both in Elk Grove,  
7 California, and in Nevada City, California, which is  
8 a -- Nevada City and Grass Valley is like going from  
9 Carmichael to Fair Oaks, and did serve as president of the  
10 Nevada City Lions.

11           One of the things that -- a fellow that I worked  
12 with at Department of Justice, he wasn't in law  
13 enforcement. He was in another part of the office. He was  
14 recruiting me to join the Lions Club, and I asked him, I  
15 said, "Jim," I said, "What does the Lions Club do?" He  
16 said, "We make as much money as we can, and we give it  
17 away."

18           Pretty much, that's what we did, you know, and it  
19 was -- I mean, we did everything in that Lions Club from  
20 putting on crab feasts to support community organizations,  
21 school organizations. We barbecued hamburgers and hot dogs  
22 at park dedications.

23           In Nevada City, we ran a booth at the -- we run a  
24 booth at the Nevada County Fair every year, selling food to  
25 support the various programs that we support, scholarships,

1 a little bit of everything, and it's something that I've  
2 always felt drawn to, is to try to do public service and to  
3 give back.

4 Now I'm the president of Gold Country Senior  
5 Services out of Grass Valley. We do Meals On Wheels for  
6 the elderly, and we also have what we call a senior  
7 firewood program, where we have a group of guys who cut  
8 firewood. We store it, and then you apply. If you have  
9 firewood -- we have a priority system set up.

10 Basically, first priority are elderly people that  
11 wood is their only heating source in their home, and we  
12 give them firewood. Those guys that do the cutting up of  
13 the wood, they're great guys. There's not too many of  
14 those programs that are out there, and, for example, we  
15 provided, probably, last year about 200 cords of wood to  
16 people.

17 We served over 41,000 meals for the Meals On  
18 Wheels, and we have also what you call a "congregate senior  
19 meal" every day, where it's held at a local senior  
20 apartments, in their dining room, and seniors can come  
21 there and get a meal, and it's a good, nutritious meal. A  
22 lot of them come with their Tupperware and take it home, so  
23 that they have the leftovers. But yes, I mean, people  
24 wouldn't think about that, little old western Nevada  
25 County, that we did over 41,000 meals for people, but we

1 did last year.

2           Additionally, we have an activities program,  
3 different activities we are teaching. We've got everything  
4 going from line dancing to tai chi for the elders to come  
5 and to participate in, because we're trying to make sure  
6 they're fed nutritious meals, that they're kept warm, and  
7 that they're physically fit, which keeps them in their home  
8 and doesn't end up with -- perhaps keep them from being in  
9 that nursing home that I referred to earlier.

10           I think it's very important, and we're blessed  
11 right now. We've got a very energetic executive director,  
12 and I think we're going to go a long ways with that  
13 program, and if any of you come to the Nevada County Fair,  
14 stop by the Nevada City Lions taco booth, and have a couple  
15 of tacos from us, please.

16           CHAIR COE: Are there any skills or trades or  
17 experiences that you learned through all those things that  
18 you're involved in that could be directly applicable to the  
19 Commission, that could be of benefit to the Commission?

20           MR. OVERBEY: Yes, absolutely. Again, you know,  
21 when you're the president of an organization -- like, the  
22 one in Elk Grove, we had over 80 members in that Lions  
23 Club. The one in Nevada City is not near as big, but still  
24 there comes times when there's discussions about which  
25 projects we're going to support and which ones we're not,

1 because we get a lot of requests, and you can't do them  
2 all. There's too many that we can't. We can't take them  
3 all on, and so there's always that, again, coming to  
4 consensus about which projects we're going to accept and  
5 work on.

6           You know, it sounds ridiculous, but one of the  
7 things I learned about was -- what's the word I'm looking  
8 for? -- not anger management, but trying to keep things on  
9 an even keel was as a football official, because you  
10 haven't lived until you've had a high school football  
11 coach, if you're working the sideline official, and you've  
12 got a guy in your ear yelling at you because you just threw  
13 the flag on whatever. You've got to try to keep that  
14 person calm, and you have to keep the players on the field  
15 calm, too, that things don't get out of hand.

16           So you learned a lot about keeping people working  
17 with people, being the calm, reassuring voice, and not  
18 letting things get out of hand. So that's all part of it.  
19 So far, I haven't had any trouble with the elderly people,  
20 with the Meals On Wheels, or heard the wood program can't  
21 (sic).

22           CHAIR COE: So, in your essays and I think earlier,  
23 you were talking about having met and worked with a diverse  
24 group of people. What have you learned from these groups  
25 of people about the perspectives that they bring?

1           MR. OVERBEY: You know, your perspective is based  
2 upon where you are and who you are. A person that lives in  
3 Oakland, down by the Oakland Coliseum, is going to have a  
4 totally different perspective on life than a person who  
5 lives up in Alturas, Modoc County. I learned that  
6 everybody is different, but you value what everybody says.  
7 Again, it goes back to fairness. Everybody's opinion  
8 counts the same with me, and, you know, I've always been  
9 that way, and I'm going to continue to be that way. I  
10 think that's very important.

11           You have to weigh everything. Eventually you're  
12 going to have to make a decision that maybe you're not  
13 going to be popular with everyone about, but you have to  
14 give all the evidence, all the opinions, equal basis in  
15 making your decision.

16           It's kind of like the patrol officer, you know,  
17 pushing a patrol car, and you get a call, and you come out.  
18 That patrol officer has a ton of discretion, but, at the  
19 same time, that patrol officer, he or she, has to make a  
20 decision if anyone is going to jail, and who is, if someone  
21 does, and so they have to -- you have to, again, take on  
22 all this information and make a decision, and you have to  
23 come to a consensus, and that's what you had to do -- you  
24 know, you have to do that in that situation.

25           You have to do that in the situation on the

1 Commission, too. I'm sure we're going to have  
2 disagreements on this Commission, but it's going to be  
3 up -- my job would be to keep being the even keel, and,  
4 again, like I said, I have my fairness that's ingrained in  
5 me by my midwestern parents, and that's what I believe in.

6 CHAIR COE: Kind of piggybacking off that, you  
7 mentioned having been to many different regions in the  
8 state, and having met the people there, and did you gain  
9 any perspective about those people? You kind of touched on  
10 it a little bit in terms of somebody having a different  
11 view on life in Oakland versus Modoc County. Would you  
12 expand on that, maybe give an example?

13 MR. OVERBEY: Well, an example. Boy, there are so  
14 many. I'm not quite -- I'm a little confused about what  
15 you're looking for, just other than the fact that, like I  
16 said, when I was interviewing a case, the victims, for  
17 example, the elderly people, as an officer, as law  
18 enforcement, I had a job to do. I had questions I wanted  
19 answered, you know, specific questions. But sometimes you  
20 have to listen to a lot of other stuff before you get to  
21 the meat and potatoes of what you want, and, again, I don't  
22 even know if I'm answering your question here, and I  
23 apologize. I'm not trying to be evasive. I'm trying to  
24 just understand.

25 There was just -- people have different needs, and

1 what's acceptable in one situation, what's maybe acceptable  
2 in Oakland, would not be acceptable at all in Modoc County  
3 or Nevada County, where I'm from, perhaps, or vice versa,  
4 and I don't know if I understand exactly what you're asking  
5 me, and I apologize for that.

6 CHAIR COE: I think you were in the right vein  
7 there.

8 MR. OVERBEY: Okay.

9 CHAIR COE: I want to talk about your time on the  
10 civil grand jury. I know that you mentioned in your essays  
11 and you mentioned here before that you're prohibited from  
12 speaking in specifics, but I wonder if you could tell us a  
13 little bit about how -- because you mentioned it  
14 specifically in your impartiality essay, and without going  
15 into great specifics, could you give us a sense of how that  
16 was an exercise in impartiality?

17 MR. OVERBEY: All right. For example, the grand  
18 jury has the authority to look at anything within the  
19 county or the cities of their particular county, the  
20 municipalities or the county.

21 So, for example, in Nevada County, we could look at  
22 county government. We could look at special districts,  
23 which are like fire districts, water districts, sewer  
24 districts, and we could look at school districts,  
25 everything except curriculum. We were not allowed to

1 question curriculum in a school district, or question  
2 activities of municipality government, local city  
3 government. We could choose a topic and do it on our own,  
4 or we received complaints from the public, also.

5           After that complaint would come in, we would review  
6 it, basically, usually then call in the person who made the  
7 complaint, if it was a complaint, and we had the grand jury  
8 broken down at that time into what we called "committees."  
9 There was 19 -- the full panel was 19 people, but we had a  
10 committee on schools and libraries, city government, county  
11 government, special districts. God, I'm blanking now.  
12 It's been a while. I apologize.

13           I can't remember all the different things we would  
14 look at, but we had the committees to look at, and, as  
15 foreman, when we got a complaint, I would assign that  
16 complaint to a particular committee. If it was a complaint  
17 about a school district, it went to schools and libraries.  
18 If it was a complaint about the city of Nevada City, it  
19 went to the city government committee.

20           Usually, then, the next step would be to call in  
21 the -- ask the complainant to come and appear before the  
22 grand jury, and give them a chance to tell us what they  
23 wanted, and we would listen to them, take notes, thank them  
24 for their time, and then, when they left, we then would  
25 formulate, basically, a game plan about who we wanted to



1 talk to, and maybe what documents we wanted to see to  
2 further that investigation. After many interviews or many  
3 reviews of documents and whatnot -- excuse me. Audits and  
4 finance was another committee.

5 MS. PELLMAN: Five minutes.

6 MR. OVERBEY: Okay. Audits and finance was another  
7 committee. Then we would -- there would be a decision made  
8 about whether to continue forward, if a report was  
9 necessary, or if we thought there was anything to the  
10 complaint or not.

11 If we decided that there was something to the  
12 complaint -- if we decided there was not, it might be a  
13 report that would be written saying, "This particular  
14 special district, they're well run. They're efficient.  
15 They provide the service they're to provide, and they're  
16 doing a great job." Or, if there's a report that's  
17 then -- that's one of the decisions that's then made by the  
18 full panel, about whether to start preparing a report.

19 The report is prepared by the committee. It is  
20 usually a member or two of that committee that is the  
21 principal author of that report, the person who actually  
22 writes the report. It's discussed in the committee. All  
23 evidence is -- we're ensured that it's triangulated again,  
24 that it's all corroborated, that we don't have any facts  
25 that are out there sitting by themselves that have no

1 corroboration, and then the report is written and approved  
2 by the committee.

3           Now, before it's submitted to the full panel, we  
4 would have an editorial committee that would review that  
5 report again, and then, after that, the report would be  
6 reviewed by the County Counsel's Office. Well, first it  
7 had to be reviewed by the full panel and approved to go  
8 forward. Then it would be reviewed by the County Counsel's  
9 Office, and then, lastly, it would be reviewed by the  
10 presiding judge, before it was issued publicly.

11           That was the process we'd use there, and there had  
12 to be a consensus of the full panel, again, before anything  
13 went forward. Even after the judge approved it, there were  
14 times that we had people who spoke up and did not want a  
15 report issued, and there had to be discussion, and there  
16 had to be a decision made and a consensus brought to.

17           Nineteen people, there is an odd number, so you  
18 never had a tie vote. It did not require a -- it just  
19 required a majority to go forward. It did not require  
20 unanimous like a jury, a criminal jury, but that was the  
21 process used in the grand jury.

22           CHAIR COE: How much time do we have?

23           MR. DAWSON: Two minutes, 12 seconds.

24           CHAIR COE: Okay. One more quick question for you.

25           MR. OVERBEY: Sure.

1 CHAIR COE: One of the important aspects of the  
2 work of the Commission is going to be identifying  
3 communities of interest throughout the state. They can  
4 sometimes be difficult to find. How would you go about  
5 trying to find the communities of interest throughout the  
6 state of California?

7 MR. OVERBEY: I think it would depend on what part  
8 of California you're in. If you're in a large urban area  
9 like Los Angeles, I think it would be more of a  
10 consideration of cultural -- that would be one thing you  
11 would consider, would be the cultural aspects. The other  
12 would be perhaps keeping everything -- a city or  
13 municipality within the same district, because, obviously,  
14 that city would have similar interests as far as towards a  
15 goal, not cutting a city in half, if you can help it,  
16 whereas, if you're in a rural area, I think you would be  
17 more geographical, considerations given.

18 Northern California, you know, if you take the  
19 northeast corner, where it's mountainous, and forests and  
20 everything, that's different than the Central Valley part.  
21 Say, compare Siskiyou County, Modoc, Lassen, Plumas, some  
22 of those counties that come down through there, compared to  
23 the terrain and the needs of the people that are in the  
24 Central Valley --

25 MS. PELLMAN: Thirty seconds.

1 MR. OVERBEY: -- in Butte County, Red Bluff, and  
2 Yuba County, for example, where it's more flatland, so  
3 geographic in some areas, culturally and socioeconomic in  
4 others.

5 CHAIR COE: Thank you. It sounds like we're about  
6 out of time.

7 Ms. Dickison.

8 PANEL MEMBER DICKISON: So I think I would like to  
9 go ahead and build kind of on where Mr. Coe was, and he  
10 asked about identifying communities of interest that are  
11 difficult to identify, and, you know, what you would be  
12 looking for. You had something in your diversity essay  
13 where you talked about that we still have a tendency to  
14 live within our tribe in specific geographical areas. Can  
15 you expand on what you mean by that?

16 MR. OVERBEY: Well, yes. I wrestled with that.  
17 Let me see if I can find that exact question, here. I know  
18 we have it. Yes. That would be the number three essay  
19 question, if I'm not mistaken.

20 PANEL MEMBER DICKISON: Yes.

21 MR. OVERBEY: Again, I think that people just have  
22 a tendency to do that. There are areas where people of a  
23 certain ethnic group, people of a certain religion, people  
24 of whatever kind of outlook you have, they will congregate  
25 together, as I pointed out in the essay question, you know,

1 for example, the Hmong population that immigrated to  
2 California after the Vietnam War.

3           There are Hmong communities in several of our  
4 areas, but, in Fresno, there's the largest one group of  
5 Hmong peoples outside of Laos in Cambodia, where they're  
6 from. They have come together there. In Yuba City,  
7 there's a large population of the Sikh people that have  
8 that culture, and they have congregated there. Why? I  
9 don't know. But people just have a tendency to do that.  
10 Maybe it's they just feel comfortable in their own shoes or  
11 something. I don't know. I don't know what to tell you.

12           I grew up in both Missouri and then my folks moved  
13 to Modesto when I was a kid, and I always grew up -- I was  
14 always taught that it didn't matter. There was a large  
15 black, African-American population in Missouri, where I was  
16 from. There's obviously a large Hispanic population in the  
17 Central Valley, down in Modesto. You know, I grew up with  
18 those guys, played ball with them. It's not something that  
19 I ever thought about, but, you know, it's just something  
20 that I notice, that you see people do, you know.

21           If you go to Oakland -- you know, I don't mean to  
22 pick on Oakland. I apologize if anybody is from Oakland.  
23 I'm not picking on them, but it's just a matter of fact  
24 that the African-American population is in a particular  
25 part of Oakland. The same thing is true in San Francisco,

1 where we have Chinatown, or we have Koreatown in Los  
2 Angeles. It's a large Korean population around Wilshire  
3 Boulevard.

4           You know, in a perfect world, we wouldn't do that,  
5 but we do, and I don't know if it's -- boy. I'm trying to  
6 think of an explanation as to why, but I really don't know  
7 why people do it, other than the fact that they feel just  
8 more comfortable, and, like I said, working with everybody,  
9 I took an oath to protect and serve all the citizens of  
10 California, and I worked in all these communities, and I  
11 interviewed people in all those communities. They were  
12 witnesses. They were suspects, also, but I was able to get  
13 information.

14           You know, one of the things that I got commended on  
15 several times working was how I could interview people,  
16 when I conducted interviews to obtain information from  
17 potential witnesses.

18           For example, I used to use a tape recorder and  
19 record things. I would take paper, and I would write  
20 notes, but I would also record it, because I didn't want to  
21 have to stop someone who's flowing with information and  
22 say, "Wait a minute. Let me catch up writing here, because  
23 I can't write that fast."

24           I used to jokingly -- I would tell -- well, it  
25 wasn't jokingly. I would tell people, say, "Look. If I

1 record this, I'm going to make sure I get everything that  
2 you say down. I'm not going to miss something. So I'm  
3 going to be sure that I got every word that you say. It's  
4 going to be on this tape, and when I listen to this tape  
5 again and write my report, I'm going to have it."

6           The other thing I would jokingly tell them is "I do  
7 it because they didn't teach me shorthand in police  
8 school," and a lot of times -- you know, in 32 years, I  
9 never had a witness, a suspect -- I would read people their  
10 Miranda rights, and they would still let me tape record  
11 them, because it was all in how you presented yourself to  
12 these folks, and, you know, the police school line was  
13 pretty good, because it would put people at ease, and, you  
14 know, it was just -- and I did.

15           I think I wrote a better report because of doing  
16 it, that I was able to get all information, that something  
17 didn't get lost because I had my head down trying to write  
18 what was said three sentences before, and they're saying  
19 something else over here that's very important, and I miss  
20 it because I'm making notes.

21           Again, as I said, too, one of the things was that I  
22 was -- one of my duties as a supervising agent was to make  
23 sure that I had a balanced makeup of agents working for me,  
24 and, you know, we tried to recruit people from all walks of  
25 life. I had male, female, African-American, Hispanic,

1 Chinese, Asian people that worked on my team.

2 I actually had guys wanting to work for me, because  
3 we had a lot of fun, and we did our work, and we did our  
4 job well, and the same way with -- like I said, when we  
5 were working, I didn't care what somebody -- I didn't care  
6 who they were. I just cared that they knew what they were  
7 doing, that they had my back.

8 PANEL MEMBER DICKISON: So, in trying to identify  
9 different communities of interest, they may not always be  
10 ethnic-based.

11 MR. OVERBEY: No.

12 PANEL MEMBER DICKISON: So what are some other  
13 characteristics that you might find in identifying  
14 communities of interest?

15 MR. OVERBEY: It could be cultural, lifestyle.  
16 Boy. What else could it be? There are so many. It can be  
17 socioeconomic. You know, I don't want to -- one thing I  
18 never understood, and perhaps this would be a question I  
19 would ask the Commission, is, I grew up in the Central  
20 Valley, Modesto, and it was super -- it's agricultural. I  
21 mean, when I was growing up there, it was much more so than  
22 it is now, because they've become very much a bedroom  
23 community for the Bay Area, for people that commute. If  
24 you've ever tried to go across the Altamont in the morning,  
25 you know what I'm talking about.



1           There were times that districts were written, were  
2 mapped out, that it would include Modesto and San Jose in  
3 the same district, and those two areas had -- they didn't  
4 have anything in common. The people, the way of life, the  
5 main economic drivers of both of those areas, were totally  
6 different, and it never made sense to me, but, if somebody  
7 points it out to me on the Commission, then I'll understand  
8 it. Maybe you guys would be able to point it out to me.  
9 I'm not sure.

10           PANEL MEMBER DICKISON: So one of the things that  
11 the Commission has to do when they're drawing the districts  
12 is prioritization, and one level of that is the fourth  
13 level, and that has cities, counties, neighborhoods, and  
14 communities of interest, but there's no set prioritization  
15 in the regulations. So, when those things come into  
16 conflict, how would you propose that the Commission work  
17 through that?

18           MR. OVERBEY: Well, that's going to be, again,  
19 bringing the Commission to a consensus on what we're going  
20 to -- on what the priority would be. I think the  
21 Commission is going to have to make that decision.  
22 Obviously, you folks are trusting us to do that. Then I  
23 think that they've going to have to draw their own  
24 conclusions as far as what's important.

25           I think all the factors that you mentioned -- I

1 think they're all viable, and very important. Now, if  
2 there's one that's going to take priority over the other, I  
3 don't really think there should be, but, hopefully, again,  
4 we can bring everybody to consensus, and come to a  
5 reasonable decision on how to divide things up.

6 PANEL MEMBER DICKISON: I think you may have  
7 already answered this, but you stated that you were  
8 recognized for your interviewing techniques and demeanor.  
9 What is the demeanor that you were referring to?

10 MR. OVERBEY: My demeanor that I've used? Probably  
11 relaxed, like I am right now with you all. Sorry. It's  
12 that Missouri thing coming out when I said, "You all."  
13 Been gone from there for years, and I still do it.

14 I think my way of doing things was not to be  
15 confrontational, but try to put people at ease, so that  
16 they would feel comfortable in talking to me, and  
17 perhaps -- when you're talking to a potential witness,  
18 they're going to be much more forthcoming if they feel at  
19 ease with you, because, right away, it's like "Oh, my God.  
20 The cops are here," and I would try to sit down with folks.  
21 Maybe we'd talk about baseball or something for a little  
22 bit, just anything to try to put people at ease before we  
23 would get into the crux of the matter, so to speak.

24 That was one of the things that I was many  
25 times -- you know, like anyone else, I got performance

1 evaluations, and my performance evaluations -- my  
2 supervisors would rate me very highly on how my demeanor,  
3 how I was able to relate to the witnesses, potential  
4 witnesses, how I was able to relate to people, to be  
5 able that they would be forthcoming in getting information.

6           You know, the old expression about "You catch a lot  
7 more flies with honey than you do with vinegar," it's very  
8 true. You get a lot more answers if you're treating people  
9 correctly, being respectful of them, appearing interested,  
10 being interested in what they're doing and where they're  
11 coming from, other than they're just a, you know, robotic  
12 kind of thing.

13           PANEL MEMBER DICKISON: So the first eight  
14 Commissioners that are selected will be responsible for  
15 selecting the remaining six. What are the factors and  
16 qualities you'll be looking for in the remaining six,  
17 should you be one of the first eight?

18           MR. OVERBEY: I'm going to look for someone -- the  
19 biggest one thing I can say is fairmindedness. That would  
20 be the biggest thing I would look for. I would look for  
21 people that I believe are going to be even-keeled, neutral.  
22 They're going to listen to all sides. They're going to pay  
23 attention. They're not going to dismiss what anyone says.

24           At the same time, they're going to question.  
25 They're not going to take things at face value. They're

1 going to attempt to vet information and determine if that  
2 information is legitimate. They're going to try to review  
3 evidence. They're going to try to triangulate, to  
4 corroborate, and ensure that what's being told to them and  
5 the information they're getting is, in fact, true and  
6 correct and factual. At the same time, I would expect  
7 people to be courteous and --

8 MS. PELLMAN: Five minutes.

9 MR. OVERBEY: I'm sorry?

10 MS. PELLMAN: Five minutes.

11 MR. OVERBEY: Yes. I'm sorry.

12 At the same time, I would expect people to be  
13 courteous and respectful of everybody, as I would all the  
14 Commissioners to be of themselves, and I would expect them  
15 to be that to the people that appear before this  
16 Commission.

17 When I said before about vetting someone's  
18 credentials, I didn't say it that way, but that's what I  
19 was talking about. You do it, but it doesn't mean you're  
20 in their face. You're respectful and you're courteous, but  
21 you do question. You do question and you do ask who they  
22 are, and what they're doing, and why are they there?

23 You know, it goes back to the old thing about "Who,  
24 what, when, where, and how," and I had a guy who'd been an  
25 LAPD officer for a long time before I even started working,

1 and that was one of the things he told me that you did, was  
2 you always made sure those things were covered, "Who, what,  
3 when, where, and how," and it's very true, very true.

4           Again, another thing would be, I would want people  
5 who are going to listen. They're going to listen. They're  
6 not going to just tune things out, but they're going to pay  
7 attention, and not just talk to hear themselves talk.

8           PANEL MEMBER DICKISON: One last question. What  
9 would you ultimately like to see the Commission accomplish?

10           MR. OVERBEY: Well, the very thing that we're  
11 charged to do, that we're charged to develop these district  
12 maps for these legislative bodies, and that they are fair,  
13 that they represent all the people of California, that  
14 we're not shortchanging anyone, and that people are going  
15 to look at this later and say, "Man, that 2020 bunch, they  
16 did a heck of a job." And even in 50 years from now, I  
17 would really like to have people be able to say that the  
18 2020 Commission did a better job than anyone that came  
19 before us or after us.

20           PANEL MEMBER DICKISON: Okay. Thank you.

21           MR. OVERBEY: All right.

22           PANEL MEMBER DICKISON: I have no more questions.

23           MR. OVERBEY: Sure.

24           MR. DAWSON: Mr. Belnap.

25           VICE CHAIR BELNAP: Mr. Overbey.

1 MR. OVERBEY: How are you?

2 VICE CHAIR BELNAP: Good. Thank you for being  
3 here.

4 MR. OVERBEY: Thanks for having me.

5 VICE CHAIR BELNAP: When you were a special agent  
6 for DOJ, where was your home office?

7 MR. OVERBEY: It depended what time in my career.  
8 I was first hired. I went to Orange County, worked out of  
9 the Santa Ana office for approximately a year. Then I  
10 transferred to Los Angeles, worked out of the office on  
11 Wilshire Boulevard for about eight months, and then a  
12 transfer became available to come back to Sacramento. My  
13 parents were in Modesto, so it was a chance to get back  
14 closer to family, and that's why I did it, and the majority  
15 of my career was spent in Sacramento.

16 VICE CHAIR BELNAP: So, when you were based out of  
17 Sacramento, you didn't live in Nevada County. That would  
18 have been quite the commute. Where did you live?

19 MR. OVERBEY: Again, depends what time. I lived in  
20 Sacramento, lived in Citrus Heights for a while, Elk Grove,  
21 and then Nevada County -- excuse me -- South Sacramento,  
22 Elk Grove, then Nevada County.

23 VICE CHAIR BELNAP: Okay. About roughly when did  
24 you move to Nevada County?

25 MR. OVERBEY: 2003, February 22nd, 2003.

1 VICE CHAIR BELNAP: Okay.

2 MR. OVERBEY: It's funny how that date stays with  
3 you, but it does.

4 VICE CHAIR BELNAP: So, as a resident of Northern  
5 California, what different perspective do you think you  
6 would bring to the Commission?

7 MR. OVERBEY: I think that it wouldn't be -- the  
8 same perspective that I might have for Northern California  
9 would probably be the same as I would have for the Central  
10 Valley, the agricultural, rural part of California.

11 Again, like I said, I read a lot about the 2010  
12 Commission, and I looked at a lot of the things about who  
13 was on that Commission, and one of the things I noticed  
14 was, in addition to the one gentleman who was the furthest  
15 north was in Esparto, which I don't know if you even know  
16 where -- it's just west of Woodland -- was the fact that if  
17 you took east of the coast range and north of the  
18 Tehachapis, I only found one other person who lived in that  
19 area who served on this Commission.

20 So that particular area of California had two  
21 people that were on the Commission. I believe it was a  
22 lady from Stockton, if I'm not mistaken. That caught my  
23 attention, is that, you know, that was kind of one of the  
24 things that spurred me towards applying for this, was I  
25 felt that the Central Valley -- growing up in Modesto, I

1 still have an affinity for that area, and Northern  
2 California. I felt they were underrepresented and needed  
3 some representation, and needed some representation.

4           As far as what kind of perspective, perfect  
5 example. I have a friend who lives in Walnut Creek, and I  
6 had to go to Walnut Creek to do something -- or to the Bay  
7 Area -- and she asked me -- she said -- I said, "Well, I  
8 need to come down the night before," and she's like, "Well,  
9 why do you need to come the night before?" And I said,  
10 "Well, you know, travel." "Well, why don't you take the  
11 train?" I said, "We don't have a train that goes out of  
12 Grass Valley." "Well, can't you take the bus down to Grass  
13 Valley and catch the train in Auburn?" "Well, we have a  
14 bus service, but it goes one time a day from Grass Valley  
15 to Auburn, and it goes back in the afternoon. That's it."

16           A lot of people -- basically, what I'm trying to  
17 use as an example is, a lot of the people that live in  
18 urban areas do not have any idea of the challenges that  
19 people in rural areas face. I mentioned the executive  
20 director that we have for our Meals On Wheels program in  
21 Nevada County. Now, she just moved up here from Whittier.  
22 She's a great lady. She's terrific.

23           She had her niece up here. Her niece was shocked  
24 and appalled she couldn't get Uber Eats to deliver food to  
25 their house. She was trying to find breakfast, to get Uber



1 Eats. We don't have Uber Eats in Nevada County, you know,  
2 or DoorDash, or whatever it is, Grubhub, some of those  
3 other ones. I'm not sure. But you understand what I mean.  
4 This girl, teenage girl, was shocked that we don't have  
5 that, "You don't have that availability?" "No, we don't,  
6 you know."

7 In Nevada County, I'm not sure now how many there  
8 are, but about a year or so ago, maybe six months, we had  
9 one Uber driver in Nevada County. That was it, you know.  
10 There was 100 times more Uber and Lyft drivers sitting in  
11 the parking lot of the Sacramento airport than we had in  
12 all of Nevada County.

13 Those are just some of the things that people do  
14 not understand about living in a rural area, and,  
15 hopefully, I could bring that perspective to this, and the  
16 folks that you have, for example, who are on the Commission  
17 from the Bay Area or from Los Angeles or whatever, it might  
18 give them a whole different outlook on what it's about.

19 VICE CHAIR BELNAP: Thank you. As I've listened to  
20 you today, and also reading your application, I'm struck by  
21 a pattern, and I wanted to ask you about it. So you ended  
22 up focusing on elder abuse in your work at DOJ. You have  
23 also --

24 MR. OVERBEY: That's what I was assigned to, yes.

25 VICE CHAIR BELNAP: Okay. Later, you started Meals

1 On Wheels, and also a wood program, up in Nevada County,  
2 for senior citizens. So do you feel like you've gravitated  
3 towards protecting and serving senior citizens, and, if so,  
4 why?

5 MR. OVERBEY: I don't know that I gravitated  
6 towards it. Basically, I was recruited to be on the board  
7 for Meals On Wheels because of my background with DOJ.  
8 That was why they called me up and said, "You know, we'd  
9 like to have you on our board. You know, you have the  
10 background in dealing with elderly people, with senior  
11 citizens. What do you think? Do you want to do it?" I  
12 thought about it, and I thought, "Yes, I could help.  
13 That's good. You know, I could help." When I was working,  
14 yes, I spent 32 years doing that. Let me see, now.

15 Probably the first 10 years of my career I spent  
16 doing Medicaid fraud, which was fraud by -- well, one year,  
17 doing fraud by beneficiaries of the Medicaid program, and  
18 then, also, we did fraud by medical professionals, people  
19 who would bill the Medicaid program for services they  
20 didn't provide.

21 A very simplistic example, a pharmacy who -- you  
22 have a prescription for 30 tablets of whatever, and the  
23 pharmacy gave you 30, but would turn around and bill the  
24 Medicaid program for 60, but that included all types of  
25 medical providers, including, you know, everything from

1 pharmacists, doctors, dentists, optometrists, opticians,  
2 you know, you name it. Practically every type of medical  
3 provider there is was included under -- or is now.

4           So we would do cases, and I did cases, involving a  
5 pharmacy who committed fraud, a dentist, an acupuncturist,  
6 psychiatrist, psychologist. The list goes on. I did that  
7 until -- let's see. I think it was about 1987, '88. At  
8 that time, I was assigned to doing cases involving  
9 prescription fraud, prescription drug fraud, specifically,  
10 controlled substances, doctors who were prescribing  
11 controlled substances to patients without medical  
12 indication, doctors who were selling prescriptions,  
13 pharmacists who were selling out the back door, nurses who  
14 were stealing medications from patients in nursing  
15 facilities, hospital facilities, care facilities, et  
16 cetera, not just nurses, any type of caregiver, people who  
17 were writing forged prescriptions, who would -- I mean, I'm  
18 old, so I remember this, and I'm not going to point fingers  
19 at anybody and ask them if they remember it, but I can  
20 remember when I used to go to the doctor, and you would be  
21 sitting in the exam room, waiting for the doctor to come  
22 in. There would be a prescription pad sitting on the  
23 counter. You don't see that nowadays.

24           You don't see that now, but, when I was younger,  
25 you would. There was the prescription pad sitting right

1 there, and there was a lot of -- people would just take  
2 that prescription pad and slide it in their pocket, and  
3 then go out and start writing prescriptions for codeine or  
4 something that wasn't a triplicate prescription that they  
5 could do, and sign in the doctors' names, and then they  
6 would pharmacy-shop. But that was the kind of thing we did  
7 in that.

8           Then, basically, I rotated out of that, and I was  
9 going back to fraud, and the investigator -- or the agent  
10 who was doing elder abuse at that time -- how shall I put  
11 this? -- he got perturbed because he didn't get promoted,  
12 and so he told our chief that he didn't want to do elder  
13 abuse anymore, and the chief came to me and said, "Do you  
14 want to do elder abuse?" And I said, "Sure. Why not?" I  
15 gave him -- I gave the other agent my case files. He gave  
16 me his, and I kept -- that's how I got into it.

17           I don't necessarily know that I gravitated towards  
18 it, but it was just -- it was an assignment, like anything  
19 else, but it is one I enjoy. I mean, in elder abuse, I  
20 don't know if -- I think I mentioned in the essay  
21 questions, is there's a specific statute about elder abuse,  
22 Penal Code Section 368 of the California Penal Code, and we  
23 would end up -- we filed charges on people for everything  
24 from simple assault and battery to homicides that we did on  
25 cases, and so it just depends. I mean, there were sex

1 crimes, there were financial crimes, there were -- name it.  
2 I used to jokingly tell my guys, "The Penal Code is a  
3 really big, thick book, guys. Use it all," and we would.

4           So that was how I ended up in that, but, you know,  
5 in answer to one thing that you said, I'm glad I did,  
6 because I think I'm able to help people, and, fortunately,  
7 I'm becoming one of those people, one of those senior  
8 citizens, myself, which is shocking to me, but I'm becoming  
9 my father, I think. That's a little surprising, but I am.

10           VICE CHAIR BELNAP: So would your work, both  
11 career-wise and also volunteer experiences, with senior  
12 citizens assist you in your work as a Commissioner, should  
13 you be selected?

14           MR. OVERBEY: Patience. The biggest thing I  
15 learned from the seniors was patience. I couldn't go out  
16 and interview them like I interviewed other people. As I  
17 said, you know, one thing I learned was that we -- in my  
18 department, one of the things that we kind of focused on  
19 was abuse and neglect of elders in nursing facilities,  
20 because Medi-Cal paid for -- California's Medi-Cal program  
21 would pay for those services, and I worked for a bureau in  
22 the Department of Justice called the Bureau of Medi-Cal  
23 fraud and elder abuse, hence the Medi-Cal fraud and the  
24 elder abuse, and, you know, I just -- I don't know.

25           I don't know that I -- many of those folks, as I

1 said, you would sit there and they would tell you about  
2 their grandchildren. They'd tell you about their  
3 great-grandchildren, because the families didn't come see  
4 them anymore, and perhaps I have a certain amount of  
5 empathy for seniors because of that, yes.

6 VICE CHAIR BELNAP: Okay. So there's a quote in  
7 section two of your application I want to read to you, then  
8 ask you a question.

9 MR. OVERBEY: My gosh. No telling what I wrote.

10 VICE CHAIR BELNAP: If you're trying to find it,  
11 it's the second paragraph of the section there. It says:

12 "Although I may have strong views on an  
13 issue, I must have the ability and  
14 capacity and willingness to set aside my  
15 personal views. I must be able to  
16 evaluate all information with an open  
17 mind, and to make decisions and  
18 evaluations that are fair to all  
19 parties, regardless of personal views."

20 So my question to you is, what personal views may  
21 you have to set aside as you make decisions as a  
22 Commissioner?

23 MR. OVERBEY: You know, I can't really tell you  
24 right now what it would be. I think it's on a case-by-case  
25 basis. You know, one of the things I wrote, and after I

1 wrote it and sent it in, I thought, "Man. They're really  
2 going to think I'm a smart Aleck," was when, in the first  
3 paragraph, when I talked about -- I said, "All people are  
4 biased towards something. It may be as simple as you like  
5 Diet Coke better than you like Diet Pepsi, or you like  
6 McDonald's better than you like Burger King." If you do,  
7 that's a bias, and I think it's just -- I don't really know  
8 that I could tell you a specific personal view I have  
9 that's going to make me -- you know, that I can give you as  
10 a blanket statement. I have to just make sure -- again, I  
11 go back to what I said before about my fairmindedness.

12 MS. PELLMAN: Five minutes.

13 MR. OVERBEY: I've got to be -- I've got to stay  
14 with the fairmindedness and do the right thing, and that's  
15 something -- you know, that's that Midwestern thing that's  
16 ingrained in me, too, by my parents. You know, that's what  
17 happens when you're the son of a schoolteacher and a  
18 principal, and your dad is the maintenance manager for a  
19 school district, you know. That schoolteacher/principal  
20 thing just really gets driven into you.

21 I hope I answered your question there. I didn't  
22 mean to be evasive.

23 VICE CHAIR BELNAP: That's fine.

24 MR. OVERBEY: It's just, I really can't tell you  
25 that I have any one personal view that's going to

1 affect -- I don't think I do. I don't think I have  
2 anything that's going to stop me from -- I'm like anybody  
3 else. I have my political views, as we all do. Am I going  
4 to -- is that going to overrule what I do as a  
5 Commissioner? No, it's not going to. I'm going to do  
6 what's right, and what I think is right, and that's what I  
7 did my whole career.

8           There's a lot of times I wasn't politically  
9 correct, you know, as far as doing what you're supposed to  
10 do. I mean, I remember we got called one time by the  
11 Attorney General because we were doing cases on people that  
12 were -- they were falsifying the CNA tests, the certified  
13 nursing assistant. In nursing homes, those are the people  
14 that give all the care to the patients. They're the ones  
15 that do 90 percent of that hands-on care, is that certified  
16 nursing assistant.

17           We had people of a particular -- how do I say this?  
18 -- ethnic group that, what they were doing is, for 250  
19 bucks, you could get a fake ID, and someone would take the  
20 CNA test for you, meaning that, you know, I would go to the  
21 place, the Red Cross, who gave the CNA test. I'd say, "I'm  
22 Mr. Belnap," and they'd go, "Of course, Mr. Belnap.  
23 Welcome. Take the test." Well, after I've taken it so  
24 many times, I could pass it, and Mr. Belnap would get his  
25 CNA certificate.



1           Unfortunately, what we found out many times was  
2 that, when we started doing interviews of some of these  
3 CNAs, we would ask them, "Did you take the CNA test?"  
4 "Yes, we did. Yes, yes." "Great. Here's the test. Can  
5 you read me question number six through 10?"  
6 Unfortunately, they couldn't, because they could not speak  
7 English enough. Well, if you can't do that, how are you  
8 supposed to communicate with a patient and know the  
9 patient's medical needs, or if the patient says they're in  
10 pain or whatever? So it was important.

11           Well, we got called on. I had to actually speak to  
12 some higher-up people, because they had a question why we  
13 were doing that, and my reply was "It's because they're the  
14 ones committing the crime," which didn't go over real big,  
15 but, you know, it was the truth. It happened to be that's  
16 who -- I mean, and it wasn't all this one group.

17           There was people from all races that we were  
18 finding doing this, races, creeds, colors, whatever you  
19 want to call it. It happened to be one large group, and we  
20 got questioned about it, and I told the person that, and  
21 they didn't really like that answer, but it's the truth.  
22 Again, it's that fairmindedness thing. You broke the law,  
23 so I'm going to prosecute you for it.

24           MS. PELLMAN: One minute.

25           MR. OVERBEY: Only one now. Time flies when you're

1 having fun.

2 VICE CHAIR BELNAP: So thank you. No further  
3 questions.

4 MR. OVERBEY: All right.

5 CHAIR COE: Okay. Mr. Dawson, do you have anything  
6 else?

7 MR. DAWSON: I have a couple of follow-ups.

8 I was looking in your application, and it was  
9 discussed several times, in several questions, and a lot of  
10 the discussion was about how your experience in the grand  
11 jury would be useful. How is it that you came to be on the  
12 grand jury? What brought you to it?

13 MR. OVERBEY: I had a friend who had done it  
14 previously, who had been on the grand jury up there  
15 previously, well, several years before I did it, talked to  
16 her about it. She spoke highly of it. I researched it,  
17 read what they do, and thought, "Well, I spent 32 years  
18 asking people questions. I do have that talent, so why  
19 don't I keep doing it, and perhaps I can also be of service  
20 in that respect." That was how I came into it.

21 MR. DAWSON: Thank you. One of the things that you  
22 talked about was that this is a very broad -- there's 19  
23 members, if I understood correctly.

24 MR. OVERBEY: Nineteen members of the grand jury --

25 MR. DAWSON: And I think you --

1           MR. OVERBEY: -- depending on the size of the  
2 county. If it's a smaller county like Modoc, for  
3 example -- I don't know. We've been using Modoc a lot.  
4 I've got to quit picking on them. Some of the smaller  
5 counties, lower populations, may only have 11 members.

6           MR. DAWSON: But you'd said that, among the 19 in  
7 Nevada County, that they came from all walks of life?

8           MR. OVERBEY: Yes, they did.

9           MR. DAWSON: And so, you know, sort of  
10 extrapolating that out to the Commission, one of the  
11 requirements of the makeup of the Commission is that it be  
12 reflective of California's diversity, and you talked about  
13 how, when you would be selecting -- if you were selected as  
14 the first eight, you would have the responsibility for  
15 picking the next six, and you would be looking for somebody  
16 who could listen and who would be fair-minded, but to have  
17 that balance of perspective, assuming that somebody was  
18 able to listen and was fair-minded, what would that person  
19 look like to you? I mean, what part of the state, what  
20 perspectives would they bring, that would balance out  
21 yours?

22           MR. OVERBEY: Again, I mean, I would hope that it  
23 would be from all parts of the state. From what I  
24 understand, is that the first eight are drawn.

25           MR. DAWSON: Correct.

1 MR. OVERBEY: Did I get that right?

2 MR. DAWSON: Yes.

3 PANEL MEMBER DICKISON: Yes.

4 MR. OVERBEY: We get crossed up sometimes when I  
5 read this. I couldn't remember if it was eight that were  
6 drawn, six that were drawn, or what it was, but they're  
7 drawn by lottery, from what I understood, correct?

8 MR. DAWSON: That's correct.

9 MR. OVERBEY: And then the other six are chosen by  
10 the first eight?

11 MR. DAWSON: Correct.

12 MR. OVERBEY: Did I get that right? Okay. Again,  
13 I would hope that there would be people from all parts of  
14 the state that would be available to be chosen. I know I  
15 focused a lot on the rural, but that's because I happen to  
16 be from a rural area, and, like I said, that was one of the  
17 things that spurred me, was the fact that, you know, there  
18 was nobody representing a very large chunk of the state,  
19 geographically.

20 You know, granted, they didn't have the population  
21 that the other areas have, but, still, Northern California  
22 north of me, you've got like 2,000,000 people living there.  
23 So it's not a small -- it's small, maybe, in comparison, of  
24 course, to L.A. or something like that, but it's not a  
25 small group of people that live out in the hinterlands.

1 There's a lot of folks there.

2           You know, I have to take that back, because I do  
3 remember now that I am not the northernmost person. I  
4 think there is a person from one of the other -- you had us  
5 in three categories, and from one of the other two  
6 categories, I believe there was a person from Klamath,  
7 which is up going towards Eureka. So I have to take back  
8 what I said about me being the most northern person or  
9 candidate. I'm not anymore.

10           I would just want somebody, people from all walks  
11 of life, just like on the grand jury. I would want people  
12 who have had all kinds of life experiences.

13           MS. PELLHAM: Five minutes.

14           MR. OVERBEY: I would like people who, you know,  
15 have those experiences that I know are going to be  
16 fair-minded, that are going to pay attention, listen, take  
17 in what's said, and make a fair decision, and make a  
18 decision based on fact, and not their own personal views.

19           As far as what would that person look like, I can't  
20 tell you if it's going to be male or female, or the color  
21 of their skin, or their religion. I can't tell you that.  
22 I just want the person that does the best job.

23           MR. DAWSON: Okay. So we have four minutes  
24 remaining. Did you have a follow-up, Ms. Dickison?

25           PANEL MEMBER DICKISON: No, I didn't.

1 MR. DAWSON: Did any of the other Panelists?  
2 Otherwise, I was going to ask the -- Mr. Overbey, would you  
3 like to make a closing to the Panel?

4 MR. OVERBEY: Sure. First of all, thanks for  
5 having me here. For those of you who didn't get to ask  
6 questions, and had to sit here and listen to me prattle on,  
7 congratulations, or condolences.

8 Again, like I said, the way I found out about this  
9 was that I heard about it on the radio, and then I went and  
10 researched it, and I thought, "I'll apply for this. I'll  
11 give it a -- I'll try." You know, it's kind of like the  
12 lottery. You can't win if you don't play. And, you know,  
13 when I read that there were like 20,000 people or 30,000  
14 people that applied in 2010, I was like, "Yes, like I've  
15 got a chance. Right on."

16 But I applied, and thus far I admit I'm very  
17 pleasantly surprised by the fact that I'm sitting in this  
18 chair right now. I'm a little amazed, to be honest with  
19 you all, that I'm here. I've got to say, I got three votes  
20 from each of you. I got a vote from each of you, and maybe  
21 you're sorry now, after you've met me, that you voted that  
22 way, but I was surprised, you know, when I got the three Xs  
23 on the spreadsheet. I was like, "What the heck happened?"  
24 you know. I was just -- you know, I was a little  
25 overwhelmed, and I thank you for your confidence in me.

1 I'm a little bit of a wise guy, I know, and I  
2 apologize for that, if I've rubbed anybody wrong that way,  
3 but I do have a lot of confidence in how I could do this.  
4 I've always been someone that has a lot of confidence in  
5 how I can do a job, and I think I can do this.

6 One thing about it is, like I said, it's that  
7 Missouri thing that I grew up with, is I am from the "show  
8 me state," so you do have to show me. I'll admit to that,  
9 you know, and the evidence has to be shown to me, and it  
10 has to be vetted, and corroborated, and we'll go from  
11 there.

12 You know, like I said, my mom is a teacher and a  
13 principal, and my dad was the maintenance supervisor for  
14 another school district, and I was taught -- you know, the  
15 main thing I was taught was fair-mindedness, and that's the  
16 biggest thing, I think, I bring to this, that and,  
17 secondarily, I have some skills in interviewing people,  
18 determining to -- getting information out, finding out  
19 facts.

20 At the same time, like I said, I took an oath when  
21 I carried the badge that I was going to protect and serve  
22 everybody in this state equally. It doesn't matter who you  
23 are. And if I do this, it's going to be the same thing. I  
24 don't know if you swear in the --

25 MS. PELLMAN: One minute.

1 MR. OVERBEY: I don't know if the Commission gets  
2 sworn in or what, but that's what I'll do. Any other  
3 questions? I've got nothing but time.

4 CHAIR COE: I think we're about out of time. Thank  
5 you for being here, Mr. Overbey.

6 MR. OVERBEY: Thanks for having me.

7 CHAIR COE: Appreciate your time.

8 Seeing as this is the last interview for the day,  
9 we're going to recess until 8:59 a.m. tomorrow morning.

10 (Thereupon, the Applicant Review Panel meeting was  
11 recessed at 4:28 p.m.)

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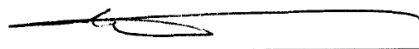
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IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of April, 2020.



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PETER PETTY  
CER\*\*D-493  
Notary Public

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Barbara Little  
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