

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, California 95814

THURSDAY, APRIL 9, 2020

9:00 A.M.

Reported by:  
Peter Petty

## APPEARANCES

Members Present

Ben Belnap, Chair

Ryan Coe, Vice Chair

Angela Dickison, Panel Member

Staff Present

Christopher Dawson, Panel Counsel

Shauna Pellman, Auditor Specialist II

Applicants

Conrado Ulpindo

William Roy MacPhail

Debora Gloria

J. Craig Fong

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PROCEEDINGS

8:59 a.m.

CHAIR DICKISON: Good morning, time being 8:59, calling the Applicant Review Panel back to order.

I'd like to welcome Mr. Conrado Ulpindo. Did I say that right?

DR. ULPINDO: Conrado Ulpindo.

CHAIR DICKISON: Okay. Ulpindo.

DR. ULPINDO: Yeah.

CHAIR DICKISON: I'm awful with names, so --

DR. ULPINDO: No, no, no. We're good.

CHAIR DICKISON: Welcome. Thank you for meeting with us today for your interview.

Before we get started, though, is remind everyone to silence all cell phones, both in the room and on the line. For those in the room, in case of emergency, just follow the CSA staff instructions.

With that, I'm going to turn the meeting over to Mr. Dawson to read you the five standard questions.

MR. DAWSON: Thank you, Madam Chair.

Dr. Ulpindo, I'm going to read you five

1 standard questions that the Panel has requested  
2 each applicant respond to. Are you ready, sir?

3 DR. ULPINDO: Yes, sir.

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

12 DR. ULPINDO: Good morning, everybody. My  
13 name is Conrado Ulpindo and I'm happy to be here.  
14 And I will respond to the questions in sequence.

15 I believe that the task of being  
16 Commissioner in drawing redistricting lines is  
17 crucial and critical to the citizens of California  
18 and of the United States.

19 I believe that Commissioners should be  
20 able to listen respectfully and humbly, no  
21 mannerisms, no perceived notions of bias, no  
22 judgment. They should be fair and open-minded.  
23 They should have no disrespectful mannerisms  
24 whatsoever, eyes moving, hands shaking, fingers  
25 tapping, and they should have no preconceived

1 notions or opinions that are contrary to the  
2 general belief of fairness and judgment and in  
3 doing their job.

4           They should have knowledge or  
5 understanding of community issues, racial issues,  
6 sexual preferences, genders, and other different  
7 types of notions.

8           They should be prepared to come to the  
9 meeting all the time. They should have studied  
10 their notes. They should have analyzed the data.  
11 They should have looked at the maps. They should  
12 have researched all the information, accurate  
13 information and data, before coming to the meeting.

14           They should have the ability to  
15 communicate and that means they should be able to  
16 read perfect English or any other type of language  
17 that is being used. They should be able to write  
18 academically and also normally in an understandable  
19 manner.

20

21           They should be able to have the skills to  
22 analyze all of the information and data at a very  
23 accurate pace.

24           Commissioners that have an extensive  
25 experience working around people. I've always

1 believed in a notion, as a teacher an as an  
2 educator from K to 12 and, also, at the university  
3 level, that we should be people persons. We should  
4 be able to understand people from the context, not  
5 only of their national origins but their culture,  
6 where they come from, why they are acting or  
7 believing or even having this opinion or ideas this  
8 way or that way. We should be able to be -- have  
9 the empathy to understand these people as  
10 Commissioners.

11 We are looked up by every single citizen  
12 of California and much more the United States when  
13 we become leaders in redistricting these lines.  
14 They look at us, the way we walk, the way we talk,  
15 the way we smile, the way we carry ourselves, our  
16 decorum, and other types of behavior that  
17 articulates a role model format.

18 What competencies should the Commission  
19 possess collectively?

20 They -- you know, in the United States,  
21 and particularly in California, compromise has been  
22 chastised and ridiculed by many, not only by the  
23 United States but also even people all over the  
24 world. I believe that compromise is an art form.  
25 You should be able to compromise with somebody

1 without necessarily giving your own personal  
2 opinion or ideas or even beliefs because, for me,  
3 as an educator, I teach my students that you can  
4 give up your stand or position if it's for the  
5 general interest of everybody. We're talking about  
6 California and that of the United States.

7           They should be able to problem solve  
8 quick, negotiate, use persuasive skills to convince  
9 the other people or party or group to believe that  
10 we need to get this redistricting job done. They  
11 should have analytical abilities, research skills.  
12 They should have open-minded ideas. And they  
13 should be fair and, at the same time, they should  
14 have knowledge of the entire political landscape.

15           And at the same time, again, I would like  
16 to reiterate, they should be able to listen humbly  
17 and respectfully. It's a very critical piece of  
18 the component.

19           Of the skills and attributes and  
20 competencies that each Commissioner should possess,  
21 I think I have extensive analytical and research  
22 skills. I sit as a committee member of all the  
23 doctoral studies at several universities for  
24 students earning their PhDs and doctoral degrees in  
25 education.



1 I am very, very, extremely familiar with  
2 software that analyzes data, maps, surveys,  
3 information, and responses from different types of  
4 people coming into the pipe so that we can create a  
5 conclusive recommendation or conclusion based on  
6 the data that's being presented.

7 I've studied leadership and management in  
8 my master's degree as an international scholar.  
9 And, also, I have a doctoral study in leadership  
10 and policy studies. I have used this throughout my  
11 career of more than 30 years teaching and working  
12 and educating the people in my area and the state  
13 of California since I was 28, 29 years old.  
14 Everybody calls me the people-person guy because  
15 I'm able to work and collaborate with every  
16 individual in my team. I enjoy working with people.  
17 Of course, there are challenges. But I see that as  
18 an opportunity to be able to articulate the mission  
19 and vision of any organization.

20 Currently, as everybody else is watching  
21 people die and suffer because of COVID-19, I was  
22 asked by the U.S. Department of Defense through the  
23 National Language Service Corps to use my language  
24 skills to work with people in the state of  
25 California and be a language translator/interpreter

1 in the different languages that I am very familiar  
2 with. I work in the evenings, my phone is always  
3 on so that whenever FEMA calls me, I respond to  
4 that phone and give them the necessary accurate  
5 information and data to help people. I don't want  
6 anybody to die, as much as everybody else, but that  
7 is the kind of commitment that I have when it comes  
8 to working with people.

9           How will you contribute to the success of  
10 the Commission?

11           I am a first-generation immigrant. And  
12 early on, when I was a young man, my parents told  
13 me that hard work, hard work, is very, very  
14 important in getting everything else that you need  
15 for yourself and your family. I have talked to  
16 work real hard, to study real hard, and to serve  
17 the people wherever I live.

18           And as a first-generation immigrant, I was  
19 27, 28 years old when I earned my first scholarship  
20 to come to the United States. I was the Ambassador  
21 of Goodwill of Rotary International. And during  
22 that opportunity, I spoke in many cities in  
23 California, speaking about the Philippines at that  
24 time as a young man, 27 years old. I did not know  
25 anybody in the United States, I was alone, 27 years

1 old young man.

2           In 1988, I was, again, given an  
3 opportunity to come and study in the United States  
4 as a global scholar. I graduated with honors and  
5 worked as a Civic Engagement Coordinator for the  
6 California State University, Northridge. I find  
7 out that I'm able to steer my team to look at data  
8 and other information and be fair minded in  
9 arriving at consensus or decisions.

10           I am a very good collaborator. I enjoy  
11 fostering collaboration among my team wherever I'm  
12 assigned, whether it's the second largest school  
13 district in the United States, the Los Angeles  
14 Unified School District, or whether it's the Los  
15 Angeles Department of Public Health, wherever I'm  
16 assigned to work. I enjoy conflict resolution. I  
17 enjoy engaging people, whether it's public service  
18 or whether it's the Rotary International or whether  
19 it's the Union Christian College Alumni  
20 Association, for that matter.

21           I think I have that kind of mindset that  
22 would allow me to function effectively and  
23 efficiently in working with a variety of people to  
24 get this job done.

25           And thank you for the question, Mr.

1 Dawson.

2 MR. DAWSON: Thank you.

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

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

17 DR. ULPINDO: Thank you for that question.

18 I live and work in these types of  
19 environments as an educator. I work with students  
20 as early as kindergarten. I work with middle  
21 school students, high school students. I work with  
22 the parents. And I work with my community.

23 I think hyper-partisanship will always be  
24 present in an American democracy. And it doesn't  
25 matter who the president or who the governor is

1 going to be, there will always be people who will  
2 be on both sides of the equation. And it's up to  
3 us as leaders, in a position of leadership, to be  
4 able to use this type of conversation and convince  
5 the other side to do the job.

6 In such opportunity, I think the team or  
7 the Commissioners should be mission driven. I  
8 believe that if they know the mission, the  
9 expectation, over a certain period of timeframe,  
10 they should be aware and conscious during that job  
11 that these are the timeframes for you to be able to  
12 submit this deliverables and complete the task  
13 given to you because you have been anointed by the  
14 citizens of California to do the job.

15 However, in that process, you have to  
16 respect everyone's ideas and opinions. As I said,  
17 and I want to repeat this again, over and over  
18 again, humility and empathy is very important for  
19 Commissioners. They should be seen as very humble  
20 and empathetic to the beliefs and opinions of other  
21 people, no matter how deviant that could be in  
22 terms of how you look at it, no matter how --  
23 there's no such thing as a bad question. It's  
24 always going to be a question because that person  
25 has a reason for providing that underlying question

1 or opinion towards or against what you believe in.

2 At the same -- in the same token, there  
3 should be a collaborative spirit among the  
4 Commissioners. They should be able to collaborate.

5 When I teach graduate school, I always try  
6 to use this example. In many, many years of my  
7 work, between the antagonistic and, sometimes,  
8 annoying type of banter between RBG, Ruth Bader  
9 Ginsburg, and Antonin Scalia or Nino -- or Nino  
10 Scalia, that they are both on the opposite side of  
11 the equation but they are friends, good friends.  
12 They go get cups of coffee together. They've  
13 maintained their professional relationship despite  
14 their extreme political differences in the Supreme  
15 Court. And that is one example I use with my  
16 students.

17 I think that this kind of job will have  
18 two opposing positions, three probably, four, it  
19 could be more. But if we maintain that type of  
20 professional relationship among each other, and at  
21 the same time knowing that the mission is to  
22 complete these tasks over a timeframe, a period of  
23 time, we should be able to do this job.

24 Everybody should have a conflict  
25 resolution skill set. Conflict is a critical

1 component of what we're trying to do in that it's  
2 always going to be an essential component of trying  
3 to solve this problem.

4           Again, everybody should also be a team  
5 player and that we should be able to believe -- I'm  
6 sorry, I'm trying to get some -- the music is  
7 playing again, I just need to turn it off again.  
8 I'm sorry. Let me just turn it off. Oh, I've  
9 already dropped that. Okay. I'm sorry.

10           So we should -- all Commissioners should  
11 be team players, at the same time, and they should  
12 be able to understand that they are a part of the  
13 team, that they are not in there for themselves and  
14 that they are not in there for something else.

15           How will you ensure that the work of the  
16 Commissioners is not seen as polarized or hyper-  
17 partisan?

18           I use this example, also, when talking  
19 about getting the job done. I use the example of  
20 the Civil Rights Act and also, at the same time,  
21 the Voting Rights Act. Those are extremely  
22 polarizing topics in American democracy and, also,  
23 in how we wrote the Constitution. People have  
24 their own agendas, they have their own beliefs,  
25 they have their own systems of trying to get things

1 done. But it was passed because everybody believed  
2 in those committees that they have to do it for the  
3 whole general public, for the United States of  
4 America, to serve the people, to do a better job in  
5 catering to the people of the United States.

6 And I think that's how -- as a  
7 Commissioner, I think everybody should have that  
8 type of mindset, that type of context, that type of  
9 belief pattern, that type of being a team player so  
10 that the job will be done over a timeframe that has  
11 been mandated by the Auditor's Office, also by the  
12 State of California.

13 MR. DAWSON: Thank you.

14 Question three.

15 DR. ULPINDO: Mr. Dawson --

16 MR. DAWSON: Yes?

17 DR. ULPINDO: -- is it possible to know  
18 how many more minutes I have, so at least I can  
19 pace myself in responding to the five questions?

20 MR. DAWSON: Madam Secretary?

21 MS. PELLMAN: Yes. We have 15 minutes, 30  
22 seconds remaining.

23 MR. DAWSON: Thanks.

24 DR. ULPINDO: Okay. Let's do this.

25 MR. DAWSON: Question three: What is the



1 greatest problem the Commission could encounter and  
2 what actions would you take to avoid or respond to  
3 this problem?

4 DR. ULPINDO: One of the greatest problems  
5 that I see would be that the Commissioners will not  
6 do the job. They will not agree on some critical  
7 decision that will allow us to complete and  
8 absolutely do the job.

9 I have worked with thousands of people  
10 with varying degrees of beliefs and perceptions  
11 throughout my career at schools, parents, students,  
12 the community at large, and even political leaders.  
13 I think it's very important that, when you become a  
14 Commissioner, you need to get to know those  
15 Commissioners at a personal level. Have a cup of  
16 coffee with them when you get a chance. During  
17 your break, get to know them. They have children.  
18 They also have wives or husbands or any other type  
19 of relationships. Get to a personal level.

20 I know that in the military you are not  
21 allowed to fraternize (phonetic) but -- with the  
22 lower rank people. But at the same time, when you  
23 are in a commission like this, you are working for  
24 the people. So it's very important that you engage  
25 these people at a personal level and, at the same,

1 be polite, be personal.

2 I think the mission and purpose of the  
3 Commission is very important. When we disagree,  
4 I'd like to remind others to set aside our biases  
5 and personal agendas and, at the same time, look at  
6 the data, look at the information, and make  
7 inferential decisions based on the truth, not on  
8 any type of biases or agendas that you have.

9 I'm also to the belief that you have to  
10 respect everybody's opinions while prioritizing  
11 work. It doesn't matter what kind of opinion they  
12 have. Those opinions are critical to them being  
13 who they are and you just have to articulate your  
14 own so that you create some sort of an  
15 understanding that you accept their opinion but, on  
16 the same token, your opinion is also as important  
17 as theirs. And you come up with a compromise, a  
18 decision that would be for the benefit of  
19 California and, at the same time, for the benefit  
20 of the mission and complete what you are being  
21 asked to -- tasked to do.

22 At the same time, with all -- I encourage  
23 all the -- I would encourage all the Commissioners  
24 to work as one entity, as one body, not a deviant  
25 body that has other groups or other types of

1 alliances that they might have, and that's very  
2 important as a Commissioners, as a Commission.

3 Also, it's very important that we display,  
4 show and articulate kindness, humility, but being  
5 firm on the context that we need to get the job  
6 done in a timely manner, considering all the data  
7 and information that are accurate to solve the  
8 problem or get the job done.

9 MR. DAWSON: Thank you.

10 Question four: If you are selected you  
11 will be one of 14 members of the Commission which  
12 is charged with working together to create maps of  
13 the new districts.

14 Please describe a situation where you had  
15 to work collaboratively with others on a project to  
16 achieve a common goal. Tell us the goal of the  
17 project, what your role in the group was, and how  
18 the group worked through any conflicts that arose?  
19 What lessons would you take from this group  
20 experience to the Commission, if selected?

21 DR. ULPINDO: In 2015, I was hired to  
22 become Project Director of a USDA Grant with the  
23 Nutrition Education and Obesity Prevention Program  
24 of the State of California that was handed to --  
25 that was given to the Los Angeles Department of

1 Public Health Illness and Prevention Center,  
2 Disease Prevention Program under the Nutrition  
3 Education and Obesity Prevention of the L.A.  
4 Department of Public Health. It was a large grant.  
5 And the goal was to work in the different  
6 supervisorial districts of this -- of Los Angeles,  
7 along the school sites.

8           So the school sites were selected by the  
9 Board of Supervisors. And, you know, Los Angeles  
10 is large, not only in geography and landscape but,  
11 also, in the number of people that live here. It's  
12 large. I was given these 40 schools and I was  
13 given the task of hiring my own people and, at the  
14 same time, selecting the people that would be --  
15 that would work with me to implement this program.  
16 The expectation was to submit deliverables every  
17 day to the State of California, and then the USDA,  
18 and at the same time complete the task that was  
19 given to us by the L.A. Department of Public  
20 Health.

21           As the Project Director, I was the leader.  
22 So what I did was to make sure that I hired the  
23 right people who have the experience and the  
24 capacity and the enthusiasm to articulate this  
25 program. The program was to reduce obesity among

1 schools, not only among kids but also among  
2 teachers, and at the same time, around parents.

3           It's very important that I hired the right  
4 people because at the beginning of my -- the first  
5 meeting, the first day of the meeting, I instituted  
6 some ground rules. I asked the people that we need  
7 to get the job done. This is the task that we're  
8 supposed to do. It's a large grant and we have to  
9 comply with all the requirements of the three  
10 different entities. I set the timeframe for the  
11 grant. I set the deliverables that need to be  
12 submitted at the end of the day, evaluations at the  
13 end of the month and, also, assessments every month  
14 to make sure that we are implementing the program  
15 according to the depth and breadth that has been  
16 given to us by the USDA.

17           One thing that I did to make sure that  
18 we're not going to have a lot of problems is that I  
19 made them understand that conflict and that  
20 disagreements will occur. And true to itself,  
21 after about six months, one of my teacher advisors  
22 -- these are the people, like me, who would go to  
23 the school sites and do the articulation of the  
24 Nutrition Education Program, be it gardening,  
25 nutrition, cooking, creating of curriculum lessons,

1 and also, at the same time, visiting different  
2 types of communities -- one of my teacher advisors  
3 said, "Dr. Conrad, we have a problem, I need some  
4 more funds to work with a poorer, more  
5 socioeconomic and disadvantaged area of Bell  
6 Gardens." While we had divided the funding across  
7 the 40 different school sites, see this teacher  
8 advisor needed more.

9           And so I went back to the table and said,  
10 "Let's create an agenda. We'll meet with the time  
11 and find out how we can reallocate some of the  
12 funds." Everybody had different positions about  
13 why they won't give into the monies.  
14 It's -- I cannot state the amount of money.

15           But the bottom line was, after a  
16 discussion of probably about a week, we were able  
17 to convince everybody that it's very important for  
18 that teacher advisor to allocate at least that  
19 amount of money to reach out to that  
20 socioeconomically disadvantaged group or community  
21 for purposes of equity so that -- they didn't have  
22 the support, like all the other schools that were  
23 in the north -- so that in the east area and in the  
24 west area, in that western area, they were able to  
25 get that thing done. It successfully articulated

1 our vision and, at the same time, submit the  
2 deliverables given to us, required by us by the  
3 L.A. Department of Public Health.

4 In the end the team was unanimously given  
5 an opportunity to receive an award from the L.A.  
6 Department of Public Health and the Los Angeles  
7 Department of Instruction under Dr. Frances Gibson  
8 because we had accomplished 200 percent of our  
9 deliverables effectively.

10 What lessons can you take from this group  
11 experience to the Commission is selected?

12 Again, I'd like to repeat again what I  
13 said in the former, it's that expectations. Those  
14 expectations can be over a timeframe. Restate the  
15 mission over and over again. Post it. Let them  
16 know. Set them in their computers. Put them on  
17 the walls. Put them in their offices.

18 Set a group norm and protocol in solving  
19 disagreements and conflicts. Build empathy. Use  
20 kind words. Focus on the work and do not deviate  
21 from the task.

22 Give breaks. Do not overwork.

23 And celebrate as a committee. Go to  
24 Starbucks as a group, you know? Go to a McDonald's  
25 as a group for breakfast.

1           Be kind. Ask about their parents. How's  
2 the family doing? How's your wife doing, you know?  
3 How's your car? What did you buy last week? And  
4 so forth and so on.

5           I think it's very important that you  
6 personalize the relationship and not just because  
7 colleagues and cohorts at the same time.

8           Secretary, what's my time?

9           MS. PELLMAN: Excuse me. Six minutes,  
10 thirty-four seconds.

11          DR. ULPINDO: Let's get this done. Next  
12 question, Mr. Dawson. I'm sorry, sir.

13          MR. DAWSON: Question five: A considerable  
14 amount of the Commission's work will involve  
15 meeting with people from all over California who  
16 come from very different backgrounds and a wide  
17 variety of perspectives.

18          If you were selected as a Commissioner,  
19 what skills and attributes will make you effective  
20 at interacting with people from different  
21 backgrounds and who have a variety of perspectives?  
22 What experiences have you had that will help you be  
23 effective at understanding and appreciating people  
24 and communities of different backgrounds and who  
25 have a variety of perspectives?



1 DR. ULPINDO: Humbly speaking, I have more  
2 than 30 years working with all sorts of cultures,  
3 ethnic groups, color of skin, gender preference,  
4 orientation, beliefs, political persuasion and the  
5 likes. I am culturally proficient and have an  
6 outstanding interpersonal skill set that allow me  
7 to work with the global world.

8 When I was a student at California State  
9 University Northridge, I was chosen as an  
10 Ambassador of Goodwill Speaker for the whole  
11 university, so I spoke at many classrooms during  
12 classes for at least five to ten minutes, waking up  
13 the professor and, at the same time, barging into  
14 the classroom, trying to articulate globalization  
15 at that time.

16 I came to the United States with my first  
17 scholarship under the Rotary Foundation Rotary  
18 International as a global scholar and Ambassador of  
19 Goodwill.

20 I am a relationship builder. I am kind  
21 and respectful to other culture and backgrounds.

22 I am a minority. I am an immigrant, first  
23 generation. Most of the immigrants have been  
24 petitioned by their parents. I petitioned myself.

25 I have been recognized by my community in

1 many instances with many awards to be an Ambassador  
2 of Goodwill. My name has been put down at the  
3 largest shopping center in my community because of  
4 my community organizing activities.

5 I'm a global citizen. Every summer, since  
6 I came to the United States, I compete with 8,000  
7 to 4,000 academics and educators in the United  
8 States to earn an ambassador scholarship to go and  
9 study outside of the United States and study their  
10 schools, their communities and their neighborhoods,  
11 and bring it back to my schools, wherever I work,  
12 as a person.

13 I have been a Fulbright Scholar in Japan  
14 and Germany. I have been a South Korea Foundation  
15 Scholar funded by the Korean government and the  
16 United States. I have been sent to South Africa to  
17 research HIV/AIDS. I have been -- I brought my  
18 students to the Nation of Greece to compete in the  
19 World Animation Festival on different types of  
20 schooling. I have been sent to the Philippines,  
21 also, under the Rotary Program.

22 I think I have the capacity to be a good  
23 relationship builder and able to foster  
24 collaboration in the Commission and, at the same  
25 time, give back myself to the State of California

1 and the world -- I mean and the United States as a  
2 servant of redistricting these lines. I enjoy  
3 working with people and would relish to serve the  
4 State of California in drawing the districts here.

5 In the words of Michael Jordan, "Talent  
6 wins games but intelligence and teamwork win  
7 championships."

8 Thank you very much, everybody.

9 MR. DAWSON: Thank you.

10 We will now go to Panel questions. Each  
11 Panel member will have 20 minutes to ask his or her  
12 questions. We will start with the Chair.

13 Ms. Dickison?

14 CHAIR DICKISON: Good morning. So --

15 DR. ULPINDO: Good morning, Ms. Dickison.

16 CHAIR DICKISON: Good morning. So my  
17 first question is in your impartiality essay, you  
18 talked about when you were selected to serve as a  
19 member of the Standards Setting Panel of the  
20 California Department of Education --

21 DR. ULPINDO: Yes, ma'am.

22 CHAIR DICKISON: -- for the -- yeah.  
23 That's for the Next Generation Standards?

24 DR. ULPINDO: Yes, ma'am.

25 CHAIR DICKISON: Okay. Can you tell us a

1 little bit about that experience and how you  
2 practiced impartiality as a member of that panel?

3 DR. ULPINDO: The panel was selected all  
4 over the state of California among the educators  
5 from elementary, middle school and high school.  
6 And I was given the opportunity to sit on that  
7 panel. In fact, we do this every -- I think it's  
8 every ten years because it's very important to  
9 select those text books and, at the same time,  
10 prepare those students for assessments.

11 What I did was to go in there with a  
12 fresh, open-minded outlook about assessment. I  
13 looked at the assessment and I looked at all the  
14 different data that was provided to us. In fact,  
15 there was a secretary, or I don't know, I think she  
16 was the director, who keeps presenting to us the  
17 data from all the different school districts along  
18 that line and what has been going on for the past  
19 ten years. It's kind of like some kind of an  
20 example about the expectation of what we're  
21 supposed to be tasked to do to complete the  
22 objective, to complete the job.

23 I look at every single item and I measured  
24 it according to how I teach the class, and at the  
25 same time, allowed myself to be an arbiter in

1 basically making a decision about what type of  
2 question would my students be able to handle, and  
3 I'm talking about from the lowest to the highest,  
4 in that type of questioning.

5           In that Standard Setting Panel, I was also  
6 asked to design those questions. So, again, I put  
7 myself into a student, into a student, I'm talking  
8 about all my students, and created a formal,  
9 unbiased, no agenda, open-minded person to select  
10 the best question that would be the perfect  
11 assessment to measure the achievement of those  
12 students over a set period of time.

13           So I think that was very, very, very  
14 important for me. I removed my preconceived  
15 notions about achievement. I removed my bias about  
16 students from different type of socioeconomic  
17 spectrum, based that I know about achievement,  
18 based on the data of many things that I have worked  
19 with from any type of level of education. And I  
20 came in, in there, as a blank, blank notebook to  
21 come up with that decision and I made my judgment  
22 based on that. And I am happy to know that  
23 everybody else did exactly the same thing, like I  
24 did, and we were able to brave those subjects that  
25 would be part -- become part of the GSS.

1 Thank you for the question, Ms. Dickison.

2 Hello? I'm not getting you guys? Microphone?

3 MR. DAWSON: Are you hearing us in the  
4 room?

5 DR. ULPINDO: Okay. There you go.

6 CHAIR DICKISON: Okay. That was me. I'm  
7 sorry.

8 So you talked about the scholarships that  
9 you have won, the Fulbright Teacher Program to  
10 Japan --

11 DR. ULPINDO: Yes, ma'am.

12 CHAIR DICKISON: -- being selected by the  
13 education -- International Education and Toyota  
14 Motors to visit South Africa --

15 DR. ULPINDO: Yes, ma'am.

16 CHAIR DICKISON: -- going to Greece and  
17 Korea.

18 What did you learn from these experiences  
19 that could assist with the Commission in its work?

20 DR. ULPINDO: I have always, since I  
21 started my career in education in the state of  
22 California, I have always believed that in order to  
23 be the best teacher, to be the best servant, and in  
24 order to be the best mentor for kids, I believe  
25 that you need to engage people outside of your

1 fence, outside of your state. And whenever I teach  
2 in different areas of the education spectrum I see  
3 different types of people. And I understand that I  
4 have to be proficient with their culture, their  
5 beliefs, their opinions, why they're doing this,  
6 why they think like this. And I have learned a lot  
7 of things in being empathetic about their  
8 background, about the kind of belief systems or  
9 traditions or mores or even agendas that they have.

10           Look here, guys, I went in there to study  
11 the school system and the community. I just did  
12 not study the people. I went in there, into the  
13 schools, and looked at how parents, how community  
14 members, how the politicians, and how the leaders  
15 articulate the mission and vision of teaching these  
16 kids and, at the same time, also at this time,  
17 aligned myself with the politics of it, about how  
18 funding is being given to the schools to make sure  
19 that the job is done.

20           I think I have learned, also, to -- not  
21 only to be a global person in understanding the  
22 different culture and nuances of who they are, and  
23 I was just lucky to have been selected out of  
24 8,000, the minimum was 4,000, American teachers in  
25 the United States from among the 50 states,

1 including colonies, to go to these countries and  
2 understand and work with different types of people.

3 I think I learned to be humble. I learned  
4 to listen to different types of people. I was able  
5 to learn how to adjust myself and be adaptive and  
6 also innovative in handling different types of  
7 conflicts among groups, political groups, among  
8 different types of cultures, ethnic groups,  
9 national origins. And I think that made me a  
10 better person and that made me -- that will make me  
11 a better servant, if given the opportunity to serve  
12 on this outstanding Commission, to do the job for  
13 our state and for the United States because -- I  
14 said United States because we are a model for the  
15 United States. Most of the states look at  
16 California. Whatever California does, most of the  
17 states either reflect what they do in their own  
18 decisions or, I would say, copy or model what they  
19 do in their own state. That's why I always try to  
20 use the word, that of the United States --

21 CHAIR DICKISON: You used a --

22 DR. ULPINDO: -- (indiscernible) for  
23 California.

24 CHAIR DICKISON: Okay.

25 DR. ULPINDO: Sorry.



1           CHAIR DICKISON: Earlier, in one of your  
2 responses, you used the term "culturally  
3 proficient." Is that what you were talking about  
4 when you said that? I hadn't heard that term  
5 before.

6           DR. ULPINDO: Culturally proficient is a  
7 term that we used in graduate school, in graduate  
8 school of education. It's an ability of any  
9 individual to be familiar and to be adopted and be  
10 aware, consciously and subconsciously, about the  
11 different belief systems, traditions, behavior,  
12 practices, and even thinking, flawed or otherwise,  
13 or any other type of thinking, I use that. Flawed  
14 because -- I used the word because it might be  
15 against what you believe, what you've been brought  
16 up to.

17           From a perspective of that type of person  
18 or community or village, or even a race, if you  
19 might want to use that word, or tradition, that's  
20 what I mean when I say culturally proficient.

21           And I think whenever I win the  
22 scholarship, I am given the opportunity to submerge  
23 myself and just be educated about that type of  
24 culture. And I have been doing that for many, many  
25 years. I still am doing it right now. In fact,

1 I'm waiting for the ICT to give me an opportunity  
2 to at least work with them at a state level in  
3 Hawaii.

4 CHAIR DICKISON: Okay. Good.

5 So based on the work that you've done  
6 internationally and, you know, locally in your own  
7 community, what do you think the Commission can do  
8 to identify communities of interest throughout the  
9 different communities in the various regions  
10 throughout California?

11 DR. ULPINDO: You need to understand that  
12 there are communities in here who doesn't -- I  
13 would say -- I'm going to use the language that my  
14 students do, my students use whenever they do  
15 presentations, they don't talk much. You can't see  
16 them because they don't like to be seen. In  
17 American lingo, they call it shy, but it's just  
18 that they are not used to articulating their own  
19 opinions. They're not used to trying to be seen by  
20 the community, be seen by a group of people. They  
21 are not used to talking or even saying something  
22 about when the door is not locked and it's supposed  
23 to be locked, they're not used to saying that.

24 I think it's very important, we need to go  
25 engage those people, look at their leaders, and

1 have a conversation about the critical importance  
2 about how they can contribute and become part of a  
3 whole instead of just being themselves. If you do  
4 that, they will respond. If you don't, you will  
5 never see them. That's my experience when I've  
6 gone to those villages.

7           So I think we need to just go in there and  
8 tap their back and say, like, "Hey, mister, Mr. S.,  
9 it's very important that we appreciate you in  
10 coming over to help us out. Give us your ideas.  
11 You are a part of our community and we would love  
12 to have you be a part. We would love to hear from  
13 you. We would like to listen to you and we would  
14 like to help you help us so we can be better  
15 Commissioners." I think that's very critical for  
16 those people. And there's a lot of them in the  
17 state of California.

18           We have 1,600 languages and dialects  
19 spoken in Los Angeles alone in every single  
20 classroom in the largest second school district.  
21 We have at least, as a coordinator and a former  
22 principal, we have at least about 29 languages, not  
23 just majority Spanish and English. There's a lot  
24 of them. Dialects, also, is not national but  
25 sometimes some of those people only speak the

1 dialect. They don't even speak the national  
2 language. And I'm learning that right now as they  
3 volunteer for the National Language Service Corps  
4 doing translation and interpreting for COVID-19  
5 testing.

6 Thank you for the question.

7 CHAIR DICKISON: You're welcome.

8 How many languages do you speak?

9 DR. ULPINDO: You mean -- I speak the  
10 Filipino language and I speak four different  
11 dialects under that. I also speak Spanish very  
12 fluently, having been a part of Spain when my  
13 country was invaded by Spain for 370 years, before  
14 it became part of the United States. I speak  
15 Japanese (speaking Japanese). I also understand  
16 basic Chinese. And at the same time, some of those  
17 dialects, I can understand. A little bit of Italy.  
18 I enjoy Italy because my sister lives there. She's  
19 an Italian citizen and so I learned that also. And  
20 some of the basic other languages in South America,  
21 I also understand, because of the nuances of the  
22 Spanish language. Also, I speak different dialects  
23 in the northern part of the Philippines. I have  
24 always enjoyed language.

25 CHAIR DICKISON: Do you think your ability

1 to speak multiple languages brings a perspective  
2 that would be beneficial to the Commission?

3 DR. ULPINDO: You need to understand that  
4 I just don't speak the language, I eat their food,  
5 I dance their dance, and I'm talking dances, like  
6 when you do the dance. I also participate in  
7 weddings and different types of rituals.

8 When you come to the United States after a  
9 scholarship, this is what they tell you from those  
10 funders, "Conrad, the question is, if I give you a  
11 dollar in terms of scholarship to go to Japan, how  
12 could you return one dollar and make it a million  
13 dollars when you come back to your community in the  
14 United States and pay it forward? That's what they  
15 would like to see."

16 So when I've earned those scholarships,  
17 every single time, I've always been volunteering  
18 myself to be part of those communities. So I go to  
19 weddings, I go to, believe me, funerals, I go to  
20 different parties when I'm invited to speak about  
21 my experience in those different countries. And I  
22 think it would give the -- it would enrich and  
23 enhance the work of the Commission for me to be  
24 able to reach out when they see a person who can  
25 relate and adapt and, at the same time, engage

1 their community from that perspective of my  
2 experiences.

3           And I always am very, well, humbly humble  
4 and, well, I would say, proud in letting them know  
5 that I was in Asahikawa and Hokkaido or that I was  
6 in Rombrulone (phonetic) or I was in Thessaloniki  
7 or I was in the Cape, Cape Town, South Africa, or I  
8 was in Johannesburg, I was in Bento Sueto  
9 (phonetic) where Michelle Obama was. Oh, I'm just  
10 using that as an example. I've been to, what I  
11 tell them, I've been in Cuba and South Korea, and I  
12 eat the bulgogi. I think it's going to be very  
13 important for those people to hear me speak like  
14 that because they can relate. And at least you  
15 create some kind of a trust relationship when they  
16 know you know about who they are in those specific  
17 details.

18           CHAIR DICKISON: Okay. Thank you.

19           You also talked about serving as a  
20 dissertation advisor for PhD students.

21           DR. ULPINDO: Yes, ma'am.

22           CHAIR DICKISON: And in your essay on  
23 analytical skills, you said you use a variety of  
24 research methodologies and analytical protocols and  
25 processes to extract data.

1           Can you explain one of those processes  
2 to an analysis that you've done?

3           MS. PELLMAN: And quick time check. We  
4 have five minutes remaining.

5           CHAIR DICKISON: Thank you.

6           DR. ULPINDO: Thank you, Secretary.

7           We have -- I used -- whenever we're doing  
8 a dissertation, the most recent that I did was with  
9 Concordia University. This was about sometime in  
10 March. This was the most recent. And what we did  
11 was to study the different impact or -- an  
12 exploratory impact of depression or different types  
13 of variables. I'm not -- I'm trying to pick my  
14 words because I'd like to protect the privacy of  
15 that person and, at the same time, the university.  
16 So I'm trying to  
17 get -- we were trying to get data about depression  
18 of teachers and how does that impact the way they  
19 teach and collaborate with their community?

20           We had 4,000 responses. And so what we  
21 did in there, according to the Dissertation  
22 Committee, and also the students, we used Scatter  
23 Plots. Scatter Plots is a software in which when a  
24 response is presented by a survey participant or an  
25 N, N as in Nancy, from the population, it will do

1 some kind of a dot on a specific type of landscape  
2 or geography in the software. And it's kind of  
3 like -- how do I do this?

4           For example, it's a map. Those Scatter  
5 Plots exactly tell you where the response is coming  
6 from so that -- that's not -- I'm just giving you  
7 an example, I'm not giving you exactly the content  
8 of the dissertation -- so that if you were trying  
9 to look for whoever has -- if you're measuring one,  
10 two, three, four, five, one being extreme  
11 depression from that teacher, you know, for  
12 example, that if there's a lot of concentration of  
13 plots in Northridge, you know that the teachers in  
14 Northridge have the most impact of depression  
15 because of a variable that is given to them by the  
16 environment where they teach.

17           Scatter Plots is the preferred survey  
18 software that we use in PhD and EDD dissertations  
19 at this point because it's very easy to manipulate  
20 in terms of converting it, not manipulate the data.  
21 I'm talking about converting it into a line graph,  
22 into a pie graph, or into a bar graph, so that if  
23 you use those type of data there is no way that you  
24 can skew exactly what you're looking at. Anybody  
25 who is looking at that would be able to understand



1 the data. They would say, like, "Oh, this thing  
2 spiked and this thing is located in this area and  
3 these are the variables that makes it so and so."

4 So I think that's the software that I  
5 like. I enjoy it. Oh, FlashLight is also one of  
6 my favorites in terms of survey because it aligns  
7 the patterns of the responses. But I would say  
8 Scatter Plots would be my --

9 CHAIR DICKISON: Thank you.

10 DR. ULPINDO: -- one of the software that  
11 is my favorite. I used different -- six different  
12 types of software.

13 CHAIR DICKISON: Okay. Thank you.

14 If you were selected as one of the first  
15 eight Commissioners, who were all selected  
16 randomly, you'd be tasked with selecting the next  
17 six Commissioners that round out the Commission.  
18 What would you be looking for in those individuals?

19 DR. ULPINDO: I would like to look for  
20 open mindedness, number one. No prejudged opinions  
21 should be -- they should not bring political  
22 agendas when they come to the door and become part  
23 of the team. I would encourage them to say so.  
24 I'm not going to dictate. I'm going to let them  
25 know. They should be just and fair when making

1 those decisions.

2           They should be -- they should be a team  
3 player. They should understand that although, as I  
4 said, compromise has been chastised in the United  
5 States and in California, in particular, it is an  
6 art form, that it is a critical component of how  
7 we, as human beings, work together in solving our  
8 problems in order to achieve a mission, a goal, an  
9 established agenda so that we get our job done over  
10 a timeframe.

11           I also believe that they should have  
12 analytical skills. They should be able to  
13 understand simple datasets and analyze that data  
14 and use that data to make a decision, conclusion,  
15 or recommendation.

16           MS. PELLMAN: Thirty seconds remaining.

17           DR. ULPINDO: That would be useful in  
18 solving and achieving the mission and vision of the  
19 whole Commission.

20           Thank you very much for your question, Ms.  
21 Dickison.

22           CHAIR DICKISON: Thank you.

23           That's all of my questions, so I will turn  
24 this over now to Mr. Belnap.

25           PANEL MEMBER BELNAP: All right. Good

1 morning.

2           You were a Restorative Justice Advisor for  
3 ten LAUSD schools. Are you currently still an  
4 advisor for Restorative Justice?

5           DR. ULPINDO: No, sir. The Restorative  
6 Justice Program has been reduced into a skeleton  
7 format because of funding by the Los Angeles  
8 Unified School District at that time. But I spent  
9 almost three years of my life working with -- well,  
10 you say ten. I listed ten because those are my  
11 assignments. But the program was that you have to  
12 pair with somebody within your ten. And so,  
13 actually, I had 20 or more because I was given the  
14 opportunity to be a General Advisor to the RJ  
15 people, also, at the same time.

16           So I, actually, I've work in about more  
17 than 20 schools during my time, and more,  
18 articulating the vision of Restorative Justice.  
19 Yes, sir, I am RJ Advisor. I was an RJ Advisor.

20           PANEL MEMBER BELNAP: So what did you do  
21 in this role as Restorative Justice Advisor?

22           DR. ULPINDO: The Restorative Justice  
23 Program at Los Angeles Unified was created because  
24 a lot of the minorities and a lot of the people of  
25 different races, different cultures, have had the

1 highest expulsion rate, detention rate, and at the  
2 same time they have the highest incarceration rate,  
3 and at the same time they had the highest absentees  
4 and (indiscernible) rates in the Los Angeles  
5 Unified School District. That was a quandary for  
6 the superintendent.

7           So Michelle King at that time, who was  
8 Superintendent, created it. And so we all believed  
9 that when we were chosen, in fact, I competed for  
10 that position, we all -- we believed that it's very  
11 important that teachers and parents in the  
12 community need to understand that when a student or  
13 when a child is in the dean's office, you can't  
14 just say, like, "You know, Jose, you know what, you  
15 got to stay here, I'm going to call your mom and  
16 you're going to be benched during lunch, and then  
17 you're going to be benched at four o'clock, too, at  
18 the same time." You can't just do that. You need  
19 to understand the underlying factors, why that  
20 student was in the dean.

21           So you ask five different questions, one  
22 of which would be, what happened? Don't just say,  
23 "Jose, you did wrong, because you don't even know  
24 what actually happened in the classroom, or even in  
25 the yard, or even outside the yard. So what

1 happened? And what made you do this?" Question  
2 like that. How can I -- how can we make things  
3 better, Jose? How can we fix this problem so  
4 you're going to be a better person and, at the same  
5 time, we can settle these differences with your  
6 teacher or with your mom or with your dad? And how  
7 can we move forward? How can -- what can I do to  
8 help you? Those are the several questions.

9           This has reduced the absenteeism. Also,  
10 this has also reduced the challenges that we have  
11 in the classrooms. We have taught teachers to  
12 deescalate the situation, to understand beyond the  
13 action, to understand beyond the child what's going  
14 on.

15           A lot of our children in the Los Angeles  
16 Unified School District, we are at least 80 to 90  
17 percent Title 1. These are socioeconomically  
18 disadvantaged children from different varying  
19 cultures, race, nationalities, national origins,  
20 and where they live. A lot of them don't have  
21 parents. They live in poverty. They live in  
22 squalor conditions that we don't know. They don't  
23 have any breakfast at home, or dinner. That's why  
24 we need to understand and relate with these  
25 students so that we can help them out.

1           What we did, also, in the Restorative  
2 Justice Program, and I'm talking about myself and,  
3 at the same time, my team, was to identify the  
4 different support systems of the Los Angeles County  
5 and the district under the Student Health and Human  
6 Services and connect them to be able to get that  
7 support system, whether it's counseling through  
8 Penny Lane or New Directions for Youth or any other  
9 type of support system, or whether it's the  
10 Department of Social Services, or whether it's the  
11 housing, Department of Housing through L.A. County,  
12 because some of these students also are homeless.

13           I don't know if you know but an extensive  
14 amount of are students are homeless at the same  
15 time. And these kids, when they come to school,  
16 that will cause them to act differently, to act,  
17 sometimes, against the expectations of the norm set  
18 by teachers or even set by the school site.

19           And what I have done was to be successful  
20 in helping these children. That's what I have done  
21 in the Restorative Justice Program. I  
22 was -- that's why, I think, I became so popular  
23 that one of the awards that was given to me was to  
24 put my name on a big -- it's kind of like the star  
25 in Hollywood, down by the street of Victory

1 Boulevard by one of the new -- I think it's a mall,  
2 and celebrate my achievement because of that as a  
3 person, because of the schools that I have worked  
4 with.

5 PANEL MEMBER BELNAP: Okay. Thank you.

6 In your view, why was the Restorative  
7 Justice Program -- why was the budget of the  
8 Restorative Justice Program at LAUSD reduced?

9 DR. ULPINDO: First, the program was only  
10 implemented for about three years. It's supposed  
11 to end 2020. But then I think the School Board was  
12 coming in with a new system that would integrate  
13 the Restorative Justice Program as a part of the  
14 bigger picture, and that is what you call the  
15 Community to Schools Program. So what they did was  
16 to consolidate all of these different areas of  
17 focus and make Restorative Justice a part of that  
18 bigger picture and not -- and be focused in more  
19 areas.

20 And so I think it's not reduced but it was  
21 integrated into a different program. They call it,  
22 now, as a -- the Restorative Justice Program is  
23 still there but they made it what you call a  
24 Systems Support Program now so that it's not just  
25 Restorative Justice but it's also -- because they

1 found out that what we were doing should be what  
2 they should have done in the beginning before the  
3 implemented the Restorative Justice. It should be  
4 connected to counseling. It should be connected to  
5 schooling -- I mean to housing.

6 It should be connected to the needs of the  
7 child. The focus of the child should not just be  
8 about schooling but, also, the underlying factors  
9 that makes him live like a normal child, like some  
10 of the kids, some of the children of the people who  
11 make at least \$50,000 a year. These kids are at  
12 the brink or even at the lowest poverty level,  
13 making \$15,000 a year per household with at least  
14 three or four children, with only mom working. So  
15 it's been very, very difficult of these kids.

16 And the District did not have the funds to  
17 be able to continue on with that program, so they  
18 consolidated it and made it a part of a bigger  
19 service group or team.

20 PANEL MEMBER BELNAP: Okay. Thank you.

21 So you obtained a doctorate in educational  
22 leadership and policy studies. What was your  
23 dissertation on?

24 DR. ULPINDO: At that time, when I was  
25 working, I was the Principal of Vaughn Next Century



1 Learning Center. And the computation or even the  
2 evolution of our public school system was at a  
3 very, very rapid pace. The book that I read at  
4 that time was The World is Flat. And it's --  
5 basically, it was written by Thomas Friedman. I  
6 believe that by looking at the school system at  
7 that time, I believe that everybody should be given  
8 the opportunity to succeed in this country.

9 I came here as an immigrant. I'm a first-  
10 generation immigrant. I brought myself here  
11 because I believe in the American system of  
12 education and I believe in the American system of  
13 opportunity and that anybody can succeed if you  
14 really work hard, if you give your best shot and  
15 give your best in anything that you do.

16 So at that time, public education, the  
17 traditional public school at that time in my  
18 community, to me, to my own perspective, was not  
19 working. And so I said -- I looked at parents, and  
20 I worked with many thousands of those parents and  
21 they've articulated one vision, which means if the  
22 traditional public school is not working, can we  
23 have an opportunity to have any other school that  
24 would deliver a system of opportunity for our  
25 children? And I'm talking about poor children,

1 socioeconomically disadvantaged. And it goes  
2 beyond race or culture. It goes beyond national  
3 origin. That means I'm talking about everybody.

4           And so I was -- I believe that by working  
5 with the parents, I was able to design this  
6 dissertation to benefit them. So my dissertation  
7 was an exploratory avenue of looking at alternative  
8 public education for my community. And you call it  
9 charter schools, you call it options education, you  
10 call it nontraditional schooling you call it home  
11 schooling, you call it any other type of school,  
12 that was what I believed. If the traditional  
13 school at that time, in 2004-2005, the scores were  
14 very low, I mean, can we give an opportunity to  
15 these kids to at least go to a school in which they  
16 are given more opportunity instead of the cookie  
17 cutter that was given -- handed to them by our  
18 society? That's why I decided to choose that type  
19 of context.

20           Thank you for your question, sir.

21           PANEL MEMBER BELNAP: Yes. And did that  
22 exploratory look into the alternatives for public  
23 education in your community? Did it involve any  
24 data analysis that you can describe for us?

25           DR. ULPINDO: Yes, sir. I did -- what I

1 did was to interview many parents. I focused on  
2 parents, teachers, students, administrators, and  
3 students. I went through all the stakeholders.  
4 What I did was to use a FlashLight online  
5 interview. One of the surveys was that. One of the  
6 surveys was that. I did face-to-face interview and  
7 I also did group interview.

8           Okay, yes, I did. Do you want me to  
9 explain the data or --

10           PANEL MEMBER BELNAP: Yes.

11           DR. ULPINDO: -- does that answer your  
12 question? Okay.

13           I found that the majority of my -- the  
14 majority of the parents, I would say, in the -- I  
15 would say in the 75 to 86 percentile agreed that  
16 they should be given an opportunity to choose, I  
17 think, to choose a public education that is funded  
18 by our state to send their children so that they  
19 can also have the same opportunity as the other  
20 schools who are attending -- attending other  
21 schools that are succeeding.

22           Their issues has many, many, many  
23 variabilities. One was that the traditional school  
24 at that time had 50 students, so they would like a  
25 smaller class size.

1 Another issue was that they -- the  
2 traditional schools at that time were only given an  
3 opportunity to learn testing, testing, testing.  
4 They would like an opportunity to have an alternate  
5 curriculum that does not just focus on testing but,  
6 at the same time, the whole child.

7 Field trips was one of them too. They  
8 would like their children to have field trips  
9 because they cannot afford to send their kids on  
10 their own to go to the Museum of Science and  
11 Industry. They would like that.

12 I'm just remembering what I can remember  
13 from the data.

14 Another thing, also, is that a lot of the  
15 differences that they would like principals to be  
16 more proactive in working with teachers and  
17 students personally not just, I would say, couch  
18 potato principals. They would like that. That's  
19 one of the data.

20 And students wanted to have more  
21 manipulatives and technology in the classroom at  
22 that time. At that time the charter schools or the  
23 option schools were doing a great job in using  
24 different types of variable curriculum, aside from  
25 the one standard curriculum given from kindergarten

1 up to 12th grade at the traditional public schools.

2 And so those are the variables that  
3 were -- that came out as a pattern, overarching  
4 decisions why children chose an alternative type of  
5 public education for their children.

6 Thank you for your question, sir.

7 PANEL MEMBER BELNAP: Yeah.

8 Madam Secretary, time check?

9 MS. PELLMAN: Six minutes, fifty-eight  
10 seconds.

11 PANEL MEMBER BELNAP: All right. Thank  
12 you.

13 So from your long career as an educator,  
14 can you briefly describe a success that you're  
15 proud of?

16 DR. ULPINDO: Okay. In 2004, 2002, I  
17 think, or '03, I was at Holmes International Middle  
18 School. And I was teaching in a classroom when my  
19 principal came and said, "Conrad, I know you're  
20 busy but I'd like to speak to you during your  
21 conference," which is the next period.

22 So I said, "Okay, Mr. Twombly (phonetic).  
23 The class will end in about two minutes. Can you  
24 wait for me?" Which he did.

25 We went to the office and he said, "I'd

1 like -- I have a task for you. I know that you are  
2 being very enthusiastic. You are one of my  
3 teachers that really does a great job in getting  
4 the things done and everybody loves you, kid."

5 So I said, "Okay, sir, what's the job?"

6 He said, "I'd like you to be the student  
7 recognition coordinator of my school."

8 And I said, "That's a good one. Okay.  
9 Now what does it entail?"

10 And he said, "You will work 24 hours."

11 And I looked at him and I said, "Like, 24  
12 hours? Man, I need to sleep."

13 He laughed and gave me a pat on the back  
14 and said, "The next year will be critical for  
15 Holmes Middle School." We are Holmes International  
16 Middle School, named after Judge Oliver Wendell  
17 Holmes, a jurist. And he said, "We are competing  
18 with 160 middle schools in LASUD.

19 Remember, sir, we have 1,000 school sites  
20 at LAUSD, all middle schools, about 160 or more.

21

22 So he said, "The competition is about  
23 attendance. Our attendance right now is in the 90s  
24 but the competition would allow us to compete with  
25 all the middle schools and win and I know we can do

1 it."

2           So I said, "Okay, sir. Give me a day, I  
3 will come back, present my proposals, and we'll get  
4 things done."

5           The bottom line, I know you have three  
6 minutes, I've worked with the whole community.  
7 I've walked my community. I walked to every single  
8 business in my threshold by Northridge and asked  
9 them to be a part. First, I congratulated them to  
10 be a part of the program and asked them to be a  
11 part of this vision.

12           The bottom line, sir, we won the best  
13 attendance middle school in the whole district.  
14 And the L.A. School Board awarded Holmes Middle  
15 School to be a model middle school for the whole  
16 district. In fact, we received various awards that  
17 caught the attention of Vaughn International  
18 Studies Academy at that time and offered me a  
19 position to become principal, right then and there.

20           But the main important thing was for me to  
21 be able to collaborate with my whole community in  
22 Northridge. And the whole staff believed in that  
23 vision. We were all in that journey. And that the  
24 kids and the parents believed in the journey, that  
25 they came to school, and we received a 98.6

1 attendance with very few tardies over the school  
2 year. Every single day, I'm on a P.A. system  
3 during homeroom, offering a ticket to SeaWorld, a  
4 ticket to Universal Studios for Ms. So-and-So, a  
5 roundtrip ticket for a teacher at the end of the  
6 year to be able to go anywhere else if they won the  
7 best attendance in their classroom.

8 I think collaboration, I have mastered  
9 collaboration with my school, that I was able to be  
10 successful in making sure that we achieved that  
11 mission over a time period established by my  
12 school.

13 Thank you for your question, sir.

14 PANEL MEMBER BELNAP: Madam Secretary,  
15 time?

16 MS. PELLMAN: Three minutes, fifteen  
17 seconds.

18 PANEL MEMBER BELNAP: In the three minutes  
19 we have remaining, can you also describe a failure  
20 from your career and what you learned from it?

21 DR. ULPINDO: I think the failure,  
22 sometimes, is very difficult to respond to that. I  
23 mean, I did not expect this question. I'm a very  
24 ambitious guy.

25 But when I become -- became a principal,



1 my wife asked me to help her in taking care of the  
2 kids. I would leave my home at 5:00, I would come  
3 home at 10:00. And -- I'm sorry -- and then she  
4 said, "It's not working if you can't help me take  
5 care of the kids." And I think it's not a failure  
6 but it's an opportunity for me to reflect but to go  
7 back to the drawing board and said, what am I not  
8 doing right as a person to make sure that I  
9 accomplish my goal as a person, as an individual,  
10 as a public servant, at the same time keep myself  
11 to my responsibilities as a dad, as a father, as a  
12 member of my family, and as a leader in my home and  
13 take care of my children.

14           Since we only have three minutes, I went  
15 back to the drawing board, I talked to my wife. We  
16 have never been so happy after that conversation.

17           My first born is a registered nurse with  
18 Blue Shield NP. My second born is a CLS med tech  
19 doing the COVID testing right now in Thousand Oaks,  
20 positive or negative. My third son -- my third  
21 born is a freshman going through pre-med at UCSD.  
22 And my work -- my wife has never been so happy  
23 working as an L.A. County Sheriff Nurse Supervisor  
24 for the Men's Central Jail in Downtown Los Angeles.  
25 And I have never been a happier father, a happier

1 family member, and a happier Conrad Ulpindo after  
2 that conversation.

3 I'm sorry for that little two seconds of  
4 emotional outburst. I did not mean to say that. I  
5 did not expect this to happen. I did not expect  
6 this question from you guys.

7 PANEL MEMBER BELNAP: No problem.

8 DR. ULPINDO: You guys got me.

9 PANEL MEMBER BELNAP: We appreciate your  
10 response and your openness.

11 No further questions.

12 DR. ULPINDO: Thank you, Mr. Belnap.

13 CHAIR DICKISON: Thank you.

14 Mr. Coe?

15 PANEL MEMBER COE: Thank you, Madam Chair.

16 Good morning to you, again, Dr. Ulpindo.

17 Thank you again for speaking with us today.

18 DR. ULPINDO: Good morning, sir. Good  
19 morning, Mr. Coe.

20 PANEL MEMBER COE: So as you've said and  
21 talked a about a lot this morning, you're a  
22 dedicated educator and teacher for your entire  
23 career. And in your essays, in your application,  
24 you said that you specifically value educating  
25 children and young people because they will be our

1 future leaders.

2 Can you give us -- what drew you to being  
3 a teacher initially and what has kept you dedicated  
4 to that career for so many years?

5 DR. ULPINDO: I'd like to tell you about  
6 Conrad Ulpindo from the time he was a young man.

7 I came from a very poor background. It's  
8 difficult because I see my students and they're in  
9 the same boat like me. It's difficult.

10 As you know -- let me give you a map, a  
11 landscape about the Philippines.

12 The Philippines used to be a colony of  
13 Spain for 370 years. After the Spanish lost the  
14 war to the Americans, that's us, guys, we were sold  
15 for about \$20 million, called the Treaty of Paris.  
16 Guam, Puerto Rico, and the Philippines was sold to  
17 the United States, ceded, basically, that's the  
18 right term, for about \$20 million in which the term  
19 called Treaty of Paris because it was signed in  
20 Paris for some reason. So it's basically a poor  
21 country because we become independent in 1918 under  
22 the Jones Law. And I've lived in (indiscernible)  
23 which is a village about eight hours from Manila by  
24 car. I don't know if things have changed in terms  
25 of transportation, but I would say six hours, seven

1 hours if you drive that fast, so it's a very poor  
2 village.

3 I grew up and the only thing that I'd see  
4 when I'd go to school was a teacher, a teacher who  
5 would do a good job like me, Mr. Bravo, a fortunate  
6 name. Bravo means hurray in Spanish -- I mean  
7 English. Bravo means congratulations. And he told  
8 me one thing. He said, "In everything you do, you  
9 always try to do your best, work hard, research  
10 everything, prepare. You go in there and beat that  
11 goal, achieve that goal no matter what. Even if  
12 you're hungry, even if you need to go to the  
13 bathroom, take care of business, get it done." And  
14 he has been model for that time.

15 When I graduated with honors at university  
16 in a little bit further town, about two hours,  
17 hired me to become and English professor. I  
18 dedicated my time. And I think that helped me  
19 become a scholar for the first time in the United  
20 States under the Rotary Program. And I come to the  
21 United States and I go to these schools and work at  
22 these schools, having this opportunity, not only to  
23 work at one school site, but become a coordinator,  
24 a principal, a district administrator running the  
25 program for the whole district, and I see these

1 children like me. I see their face is like me. I  
2 see their color is like me. I see their face and  
3 the color of their hair. I see where they live  
4 like me and I said, like, wow, this is not good.

5           That thing inspired me to become the best  
6 teacher I can find in my neighborhood for many  
7 years up to this time. And I will probably die a  
8 teacher and die an administrator and die as a  
9 leader in my community to help these kids. I have  
10 helping kids as aggressive as possible in many  
11 different areas, in many different capacities for  
12 the past 30 years, whether it's private school in  
13 California, whether it's traditional school in Los  
14 Angeles Unified, whether it's charter school at  
15 Vaughn International Studies Academy, whether it's  
16 a pilot school at Cesar Chavez Learning Academy.  
17 And I have been assigned voluntarily to the poorest  
18 neighborhoods that you can work with in the Los  
19 Angeles District. I have volunteered to go.

20           When the superintendent in my area asked  
21 me what schools I wanted to serve, he gave me three  
22 initially, to be -- to find a base. When he said  
23 Panorama City, Panorama City, California, as  
24 opposed to Northridge, as opposed to Woodland Hills  
25 and Chatsworth, I said, "I would choose Panorama

1 City. I used to live there. That was my home for  
2 many years, working for the private industry, a  
3 private school, and at the same time a public  
4 school, and so I work in there."

5 And he looked up. He looked at me and  
6 said, "Like, well, Conrad, you know where you're  
7 going?"

8 I said, "Like, yeah, I know where I'm  
9 going. I would like to be assigned there." And  
10 that was my base for three years as Restorative  
11 Justice Advisor. Because for me, it's not fun to  
12 go to a neighborhood when there's nothing to do.  
13 The kids are well off. The parents are rich. They  
14 don't have a lot of socioeconomic issues. I would  
15 like to go and challenge myself with the people  
16 like me so I can help them out and, at the same  
17 time, use myself for them to be able to succeed and  
18 be in the same position as I am.

19 Thank you for your question, sir.

20 PANEL MEMBER COE: Thank you.

21 Do you think that it's important for this  
22 Commission to have the perspective of an educator  
23 on it?

24 DR. ULPINDO: I believe that in any  
25 commission, there should be an educator present

1 because the lifeblood of this nation are our  
2 students. The future of this country are our  
3 students. If we don't have the insight, the  
4 understanding, and even the nuance of an educator  
5 in any Commission, you will never understand where  
6 this country is going.

7 I work and shape and mold and collaborate  
8 with students every single time of the day with  
9 this online platform that they're talking about,  
10 being asked to consult with the districts so that I  
11 can help them out. A teacher's work is 24 hours,  
12 guys. A student will email you at nine o'clock in  
13 the evening, asking you how to solve Pascal's law,  
14 how to put Pascal's law in a platform and, at the  
15 same time, work that across the curriculum in  
16 science and math. They email that teacher, not  
17 thinking that it's nine o'clock in the evening, and  
18 that teacher will go in there and respond to that  
19 email and spend one hour without any overtime pays,  
20 without any extra work that other people would  
21 have.

22 I think you also need to understand,  
23 because a teacher does not only teach in a  
24 classroom. He goes into the homes. He goes into  
25 the mindsets of these -- the students and in the

1 parents. He goes into the social and emotional  
2 component of them being people. And I think having  
3 a teacher in every commission, especially this  
4 Commission, which it matters to us, many, is very,  
5 very critical, crucial, and necessary in order to  
6 design the future of this country, in order to give  
7 the best to this community.

8           We have seen the light. We have seen the  
9 challenges that we have with our community. A lot  
10 of people work in their offices. We don't. We  
11 work in the grapevine. We work in the dirt. We  
12 work in the streets. We work with our parents. We  
13 understand how they feel. We know their opinions.  
14 We know their ideas. We live with them. If you  
15 believe that the future of this country is not  
16 necessary, believe me, our children, no matter who  
17 they are, wherever they come from, will make this  
18 country great for many, many times again.

19           PANEL MEMBER COE: Thank you.

20           You mentioned that a teachers role or job  
21 is 24 hours. In thinking of your current role and  
22 layering on top of the role of a Commissioner, how  
23 do you think you would balance those two sets of  
24 responsibilities?

25           DR. ULPINDO: I exaggerated, to work 24



1 hours. I mean, of course, I have to sleep and I  
2 have to sit down and stuff like that. I think I am  
3 the kind of person who knows how to prioritize his  
4 time. I'm going to give you an example.

5           When I was doing -- when I started my  
6 doctorate degree at California Lutheran University,  
7 I was told by many, including the superintendent,  
8 "Conrad, do not accept any job. Do not get  
9 divorced. Do not buy a home. Do not buy a car."

10           You know what? During that time, as I  
11 said, going back to what I was saying about  
12 scholarship, I was competing in every scholarship  
13 that I could find. In 2006, I -- when I -- 2004  
14 and 2005, I didn't -- I left my job. I went to Los  
15 Angeles Unified School District. I changed my job.  
16 I also applied for -- I competed with about 8,000  
17 American teachers to go to South Korea. I won a  
18 scholarship to South Korea.

19           I also -- I was hired by the National  
20 Language Service Corps to help them in language  
21 interpretation in the evening using the different  
22 languages and, at the same time, took care of my  
23 family.

24           I believe that, as a human being, going  
25 back to Mr. Bravo, you need to give yourself

1 totally to whatever you're trying to do. And I  
2 believe that I was able to do it.

3           When you look back in the corner of your  
4 room and reflect about what you did for that day,  
5 to what extent -- are you going to ask yourself a  
6 question, have I given my best to whatever I'm  
7 doing? And I believe that I have prioritized my  
8 time. I have managed my time to be able to  
9 accomplish this. And every single evaluation  
10 (indiscernible) or assessment given to me by any  
11 place where I have worked has always been over and  
12 above -- above the expectation that they set for  
13 their own teachers, administrators or principals.  
14 And I have been very, very successful.

15           I am willing to present to you a multitude  
16 of awards that I have received, with all humility  
17 and I'm not trying to say that, because of what I  
18 have done, whether it's political, whether it's  
19 community, whether it's group, whether it's  
20 students or parents that I have worked with, that I  
21 have collaborated with.

22           Thank you very much for your question.

23           PANEL MEMBER COE: Thank you.

24           I'd like to -- in your essays, and a  
25 little bit today, you discussed having either lived

1 in or visited many different areas of this state.  
2 I know you talked about opportunities you had to  
3 speak in many different cities across California.

4           And I'm curious about what you learned  
5 from your time in these other regions, the people  
6 that you met, their concerns, their perspectives,  
7 their preferences, what you learned about them that  
8 would make you an effective representative for them  
9 on this Commission?

10           DR. ULPINDO: I go back when I was 27, 28  
11 years old. I like to use that as an example for my  
12 kids. I was a young man at 25, 26, a 27-year-old  
13 coming to a new country I don't know about, except  
14 what I see in the movies. And my task was to  
15 articulate a vision and mission about what happened  
16 during the revolution in the Philippines, you know,  
17 1986, and what the relationship between the United  
18 States of America and the Philippines in general  
19 about people. My job was to become an Ambassador  
20 of Goodwill.

21           And I use that as an example because they  
22 don't know who I am. I'm not an American. I was a  
23 Filipino coming to the United States, a visitor,  
24 and I'm addressing a group of Americans I don't  
25 know about. My observation was that I know that

1 every single person in that room, about 300 of  
2 them, when I spoke in San Diego at Bahia Hotel as  
3 their guest of honor and speaker, as  
4 (indiscernible), every single question as they  
5 raised their hands about America and the  
6 Philippines at that time. They always had a lot of  
7 military questions, political questions, people  
8 questions, funding questions, money questions, and  
9 different types of variables that they asked me.  
10 It varied.

11 But I think I know that we live in a  
12 democracy. The American democracy is a model for  
13 all, no matter who you ask, and it doesn't matter  
14 what they tell you. But the truth is the world  
15 looks at America and looks at the democracy and  
16 pattern their thinking and their thoughts about  
17 America.

18 I know I was able to respond to the best  
19 of my ability about the relationship between the  
20 United States and the Philippines. And I know,  
21 also, that I was able to admire the American people  
22 at that time. I was able to see and taste what  
23 they were having.

24 It's kind of like they were drinking a  
25 different type of coffee because of the freedom of

1 expression that they had, that they were not  
2 embarrassed to ask me questions about the president  
3 of the Philippines. They were not embarrassed to  
4 ask me questions about Clark Air Base and Subic  
5 Naval Base. They were not embarrassed to ask me  
6 about the Bataan Death March, about the  
7 Philippines.

8           And they were not embarrassed, also, to  
9 share what they felt as U.S. Navy citizens, as U.S.  
10 Navy people, servicemen, living in the Philippines  
11 for many years while they were there during the  
12 Second World War and become one of the closest  
13 friends of the Philippines for more than 200 years,  
14 become as a part of our civilization and exchange  
15 of our relationships.

16           Thank you.

17           PANEL MEMBER COE: Thank you.

18           DR. ULPINDO: I think that experience that  
19 I had made me -- it convinced me to come back to  
20 the United States on a different scholarship, to  
21 come and study here, and --

22           PANEL MEMBER COE: So based on some of  
23 those experiences and what you mentioned being a  
24 first-generation immigrant --

25           DR. ULPINDO: Yes, sir.

1           PANEL MEMBER COE:  -- and some of the  
2 experiences you just talked about, do you think  
3 that having an immigrant perspective is important  
4 to have on the Commission?

5           DR. ULPINDO:  If --

6           MS. PELLMAN:  Excuse me.

7           DR. ULPINDO:  -- as I said.

8           MS. PELLMAN:  Quick time check.  We have  
9 five minutes, fifty seconds.

10          PANEL MEMBER COE:  Thank you.

11          DR. ULPINDO:  Thank you, Madam Secretary.

12                 I work in the second largest school  
13 district in the United States.  We are about  
14 650,000 students, about 35,000 to 45,000 teachers  
15 and staff.  And I think, I would say, without them  
16 telling me, it's obvious that from the data online  
17 and, also, from the data on paper, most of these --  
18 most of my people are immigrant people.  And they  
19 come from more than 100 countries.

20                 Sometimes, when you look at the word  
21 immigrant, everybody seems to look at just  
22 everybody's coming from Mexico.  No, that's not  
23 true.  There's a lot of countries that these  
24 immigrants come from, whether it's, yes, it's  
25 Germany, there are Japanese citizens coming here to

1 become immigrants, Hungary, Philippines, China,  
2 Japan, Korea, I can go on and on and on because I  
3 see what Cambodia allows, and so forth and so on.  
4 I think I have lived the immigrant experience.

5 I remember my time when I came here, the  
6 first time that I was put in a hotel for at least a  
7 night, then I was sent to the university to live  
8 for the rest of my one-year scholarship.

9 I also remember that when I came here to  
10 become Ambassador of Goodwill, I lived in 60 homes.  
11 Every night, a Rotary International -- a Rotarian  
12 would pick me up and make him -- make -- bring me  
13 to his house and live there. And the only time  
14 that I would go to a hotel is that when there are  
15 opportunities for me to speak. And I also was  
16 asked to live in many of those homes. Some of  
17 them, I would say 60 percent, were immigrant  
18 Rotarians. And so I was so -- so they can -- I was  
19 able to relate to their families and understand the  
20 immigrant experience.

21 In my work right now, Lord, God bless me,  
22 but I have been in many homes of immigrant folks,  
23 more than a lot of people know, in my state. I  
24 have spoken to hundreds of thousands of immigrant  
25 parents and have -- they have shared with me their

1 experiences and I have shared with them my  
2 experiences. That's why a lot of the students,  
3 wherever I go, I let them know that I am an  
4 immigrant myself. And they just bow down and say  
5 they appreciate it for me being humble enough about  
6 where I came from.

7 I don't pretend -- I do not pretend to be  
8 different. I tell them that I am like you. I know  
9 everybody, even if you were born here, your parents  
10 and I are the same. We are immigrants and we  
11 experience all the challenges. But we can do it  
12 because of the American democracy and American  
13 freedom and the American opportunity that this  
14 great country has given us, so let's pay it back  
15 by, hopefully, becoming a Commissioner and  
16 redistricting those voting rights, voting  
17 landscapes.

18 PANEL MEMBER COE: Thank you.

19 One more time check, Madam Secretary.

20 MS. PELLMAN: Three minutes, two seconds  
21 remaining.

22 DR. ULPINDO: Thank you.

23 PANEL MEMBER COE: Thank you.

24 Dr. Ulpindo, one final question for you.

25 If you were to be appointed to the



1 Commission, which aspects of that role do you think  
2 you would enjoy the most and which aspects of that  
3 role do you think might struggle with a little bit?

4 DR. ULPINDO: I would like to enjoy -- I  
5 would enjoy, for sure, working with people with  
6 different perspectives. I would like to work at an  
7 negotiating table and align all of these  
8 perspectives so that we can achieve our mission and  
9 vision at a global scale. When I say global, I'm  
10 not talking about the globe, I'm talking about the  
11 work that we're going to do, the mission and  
12 vision.

13 I would like to -- I would like to engage  
14 the challenges. I would like to work with those  
15 people that are difficult and work with them. In  
16 fact, if you look at the resume that I have sent  
17 you, I work in the most difficult environment.  
18 It's called CDS. It's, basically, a juvenile  
19 facility in which all the kids that the district  
20 don't like are sent to that school site. There's  
21 two high schools in that school site. And I relish  
22 the job in working with those kids.

23 I work with kids who have anklets. You  
24 know, they have these anklets on their feet because  
25 they're supposed to be in jail but there's no space

1 in jail, so they're basically sent to school, home,  
2 home, school. They're being monitored by POs,  
3 probation offices. I work with kids who come to me  
4 and look at me like I'm nobody. I like doing that.

5 But the most important thing for me is I  
6 like to negotiate with people to make sure that we  
7 get the job done. Because what is important for me  
8 is I need to give back to my community. This great  
9 country and this great state has given me so much  
10 that other people can only dream to do what I have  
11 enjoyed in this country and in this community. I'd  
12 like to give back myself by becoming a part of a  
13 larger opportunity so that I can prove to myself  
14 that I have, also, repaid (phonetic) myself with  
15 all the different gifts that have been given to me  
16 by this state and  
17 my -- and, also, by this community.

18 Thank you for your question, sir.

19 PANEL MEMBER COE: Thank you. I think I'm  
20 about out of time.

21 Madam Secretary -- Madam Chair, no further  
22 questions.

23 CHAIR DICKISON: Thank you, Mr. Coe.

24 DR. ULPINDO: Thank you, Mr. Coe.

25 CHAIR DICKISON: At this time, we'll turn

1 it over to Mr. Dawson for any follow-up questions.

2 MR. DAWSON: Thank you, Madam Chair. I  
3 just have one.

4 Dr. Ulpindo, you discussed several times  
5 your work with and familiarity with recent  
6 immigrant groups, students and their families.

7 One of the major inputs of data for the  
8 Commission's work will be the census. And,  
9 traditionally, recent immigrant groups have been  
10 hard to reach. And there has been, sometimes, a  
11 significant undercount.

12 Given the political climate and the  
13 climate surrounding COVID-19, what's your  
14 perspective? Do you think that there -- does this  
15 give you any concern about the reliability of  
16 census data, particularly with immigrant  
17 communities?

18 DR. ULPINDO: Yes, sir. I think this is  
19 one of the greatest concerns that we have these  
20 days.

21 The COVID-19, I am very familiar with the  
22 protocol that we have right now because, as I said,  
23 and I would like to redirect where I'm coming from  
24 so you can understand why I have this information.

25 I work with the National Language Service

1 Corps, funded by the U.S. Department of Defense,  
2 and at the same time implemented by FEMA, to assist  
3 in the linguistic interpretation and translation of  
4 different types of languages during my time, 24/7.  
5 And I say the word 24/7 because the Department of  
6 Defense and the NLSC has trained us, that if we are  
7 asleep and we don't pick up our phone, it's okay,  
8 that phone will be rerouted to a different person  
9 across the United States, so that I cannot turn off  
10 my phone. I cannot slide and say off on my phone  
11 because, if I do, it will cut me off and I will  
12 never have access. And those people asking for  
13 support through FEMA will never get tested and it's  
14 not going to help us out.

15           Let me go back to that problem. We have  
16 problems in Los Angeles because a lot of our  
17 students don't have opportunities to have an  
18 internet Wi-Fi, number one, they're so poor. As I  
19 said, 90 (phonetic) to 80 percent of our students  
20 in Los Angeles are Title 1 students. These are  
21 students that are considered poor or  
22 socioeconomically disadvantaged because, as a  
23 household, they only make at least less than  
24 \$24,000 a year or less. And so they don't have the  
25 ability to have a laptop, an iPad, or even a phone.

1 And if they have a phone, it probably is not  
2 connected to the internet or it's --

3 MS. PELLMAN: We have two minutes  
4 remaining --

5 DR. ULPINDO: Okay. So --

6 MS. PELLMAN: -- of the ninety.

7 DR. ULPINDO: -- I think it's not going to  
8 be reliable but I think we need to keep using  
9 alliances and relationships in tracking to make  
10 sure that every household and everybody who lives  
11 in those areas are given the opportunity to become  
12 part of the census. I think it can be done but it  
13 will need a lot more patience to do that thing  
14 because these people, they are out of touch. They  
15 cannot -- it's hard to contact them. You cannot  
16 contact them. But if you go knock and leave them -  
17 - and be persistent, it will be done. It will take  
18 a good group of people who are committed and  
19 dedicated enough to get this thing done and make  
20 sure that the census will work and everybody will  
21 be given the opportunity to give themselves as a  
22 part of the bigger data.

23 MR. DAWSON: Thank you.

24 Madam Chair, I have no further follow-ups.

25 CHAIR DICKISON: Okay. I have no further

1 follow-ups.

2 Mr. Belnap?

3 PANEL MEMBER BELNAP: No further follow-  
4 ups.

5 CHAIR DICKISON: Mr. Coe?

6 PANEL MEMBER COE: No follow-up question.

7 MR. DAWSON: Madam Secretary --

8 CHAIR DICKISON: No more questions.

9 MR. DAWSON: -- how much time is  
10 remaining?

11 MS. PELLMAN: Fifty-five seconds  
12 remaining.

13 MR. DAWSON: Thank you.

14 Mr. Ulpindo, if you'd like to say a few  
15 words in the less than a minute we have, the time  
16 is yours.

17 DR. ULPINDO: I have volunteered myself to  
18 become part of this journey because I would like to  
19 give back to the state of California, and to the  
20 United States in general, because of the many gifts  
21 and the many opportunities that I was given as a  
22 young man.

23 As an immigrant myself, first-generation,  
24 I believe that everybody has a role to play in  
25 making sure that we all succeed in articulating the

1 vision of trying to serve the people of the state.

2 I also believe that public service is one  
3 of the greatest gifts and greatest opportunities  
4 for every single person to exercise if given the  
5 opportunity in these times.

6 I hope everybody is safe. And thank you  
7 very much for this opportunity to be able to  
8 articulate my vision and mission. And I hope that  
9 I'm -- I'll be given the opportunity to serve this  
10 state and my community and my country, the United  
11 States, at some point.

12 Thank you. And good morning to everybody.

13 CHAIR DICKISON: Thank you for speaking  
14 with us today, Dr. Ulpindo.

15 Our next interview is at 10:45, so we will  
16 go into recess right now until 10:44.

17 (Thereupon the Panel recessed at 10:30 a.m.

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25 10:44 a.m.

1 CHAIR DICKISON: It being 10:44, we'll  
2 call the meeting back to order.

3 I would like to welcome Mr. William  
4 McPhail. Did I say that correctly?

5 MR. MACPHAIL: Yes. My full name is  
6 William Roy McPhail and I've always gone by Roy,  
7 but that's no problem.

8 CHAIR DICKISON: Okay. Thank you. So  
9 welcome for your interview.

10 MR. MACPHAIL: Thank you.

11 CHAIR DICKISON: I'm going to turn the  
12 meeting right over to Mr. Dawson to read you the  
13 five standard questions.

14 MR. MACPHAIL: Thank you.

15 MR. DAWSON: Thank you, Madam Chair.

16 Mr. MacPhail, I'm going to read you the  
17 five standard questions that the Applicant Review  
18 Panel has requested each applicant respond to. Are  
19 you ready, sir?

20 MR. MACPHAIL: Yes.

21 MR. DAWSON: First question: What skills  
22 and attributes should all Commissioners possess?  
23 What skills or competencies should the Commission  
24 possess collectively? Of the skills, attributes  
25 and competencies that each Commissioner should



1 possess, which do you possess? In summary, how  
2 will you contribute to the success of the  
3 Commission?

4 MR. MACPHAIL: Well, I think there's a  
5 number of (audio issues) (indiscernible) I think  
6 any Commissioner should have.

7 Obviously, given the work of the  
8 Commission is concerning redistricting, I think you  
9 would need to have a deep understanding or at least  
10 no fear of reading data tables and maps because  
11 that's, obviously, going to be a significant part  
12 of the work. You're going to be able to look at  
13 the results of the geographic information system  
14 that will be used to run different scenarios for  
15 redistricting and to look at the output and to try  
16 and understand, what does it mean? What does the  
17 total population involve when we do the  
18 redistricting scenarios?

19 Also, having the judgment to look at what  
20 happens when you start changing those lines. Look  
21 at the different data tables and see what aspects  
22 of the population composition are changing when you  
23 try to do different scenarios?

24 You know, maybe we'll -- when we do the  
25 work, we might be under some pressure or hear about

1 trying to keep a community together or a city  
2 together. And with the GIS, you can instantly see  
3 what the impact of that is and you can see whether  
4 you can meet those community demands to keep a  
5 particular community or city together without  
6 overrunning population size or other redistricting  
7 criteria. So I think  
8 that's -- I think it's important to have that sort  
9 of technical ease and comfort in reading maps and  
10 data.

11           On a slightly more qualitative and  
12 personal-type angle, you have to be ready to work  
13 as a group, as a team, to achieve the goal of  
14 redistricting, which is to redraw the state map,  
15 the legislative boundaries. And so skills in  
16 working as a team, you have to be able to listen  
17 respectfully to your other team members. Let  
18 everyone have their say. Don't interrupt. Let  
19 everyone get their opinion out. And given the mix  
20 of the people on the Commission, I'm sure there  
21 will be a lot of expertise in different fields. I  
22 have a particular level of expertise in certain  
23 fields. But let everyone talk. Hear everyone's  
24 expertise. Defer to people have expertise you  
25 don't have.

1           Also, be flexible with your team. Think  
2 of different ways, slightly out-of-the-box ways,  
3 maybe, of solving the problem at hand. And also be  
4 ready to compromise. You might have a particular  
5 viewpoint in a particular redistricting exercise.  
6 But be ready to listen to someone else and think,  
7 that idea might work, let's try that. So that's  
8 one skill of working with a team.

9           Also, when you go out to the community, as  
10 I suspect we will be doing, I expect we will do, we  
11 have to do, have some skills in absorbing public  
12 testimony and how to evaluate that public  
13 testimony, not just listening but actively listen,  
14 paying -- not just paying attention to what's being  
15 said. Try and understand why it's being said.  
16 What are the concerns being expressed and  
17 (indiscernible) be accommodated by the work of the  
18 redistricting Commission without breaking any of  
19 the rules and laws regarding redistricting?

20           When you're doing that public testimony,  
21 which I've done in my work for the school system,  
22 what is -- you know, pay attention to what is the  
23 source of that testimony? How widespread is that  
24 feeling that's being conveyed to you in the public  
25 testimony? Is it valid public testimony in terms

1 of are these real community people telling you  
2 about an issue or is it, maybe, some actor group  
3 that's trying to take a particular angle on  
4 redistricting?

5 I seem to recall the previous Commission  
6 talking about that in early meetings that you had,  
7 that there were some examples of a clearly  
8 orchestrated response to some redistricting  
9 problem. So you have to try and be careful when  
10 you evaluate all these different community  
11 testimonies.

12 I think another skill to have on the  
13 Commission is to be able to convey to the public  
14 when the Commission goes out complex ideas in a  
15 simple, clear manner. Why are we coming out to  
16 talk to the public? What do we need to do? And  
17 how can they help us try and make that very clear  
18 what the purpose of these meetings is? And  
19 hopefully they will see, when you explain these  
20 things clearly, why we're doing it. And they  
21 realize that we are, well,, if I'm on it, that we  
22 are a group of citizens trying to solve a problem  
23 and we want their help, and we're not there with  
24 any partisan axe to grind.

25 So I think there's three or four, I think,

1 characteristics that the Commission should have.  
2 And I think I've got some of them from my academic  
3 background and my career.

4 My academic background is I have two  
5 degrees, a bachelor's and a master's degree in  
6 geography. And my focus in my academic career was  
7 on demographics, computer mapping, and planning.  
8 So my academic career has been in this area. And  
9 it's always been a great interest to me, of course.

10 My employment, I was very lucky to be able  
11 to translate my geography degrees into a job, which  
12 used them very directly. And I have had experience  
13 in the private sector. I first worked for a  
14 computer mapping company about 30 years ago now  
15 where I went across the country installing the  
16 computer mapping system and training public school  
17 systems and police departments on how to use  
18 computer mapping to answer data questions.

19 I then moved into the public sector. I  
20 worked first in Virginia Beach, city public schools  
21 in Virginia, where I was there demographer and I  
22 used the mapping tools to redraw school attendance  
23 boundaries. And that was when I first learned,  
24 with the help of my director then, the whole  
25 process of community outreach, going out to public

1 meetings and explaining this sort of work. It was  
2 a little bit of a baptism by fire but it was a very  
3 useful experience.

4           And then the latter part of my career was  
5 with San Diego Unified School District. I worked  
6 for, I think, 21 years with San Diego Unified  
7 School District in three positions in the district,  
8 increasing levels of responsibility. I started off  
9 as a demographer and I ended up as being head of  
10 the Planning Department where we would go out on an  
11 annual basis to do things, like changing school  
12 attendance boundaries, which I think is, you know,  
13 highly relevant to the work of this Commission. I  
14 have experience in going out to communities,  
15 explaining geographic concepts and showing them how  
16 boundaries would change and what the impact would  
17 be, presenting that sort of information.

18           I've worked in, you know, San Diego  
19 Unified School District. It's the second largest  
20 school district in the state. It had about  
21 130,000-plus students when I worked there. It's  
22 dropped a bit. But I was in a large bureaucracy  
23 and I had to work within that bureaucracy with  
24 senior management people and teams for -- to answer  
25 various questions for the school board of the

1 superintendent. So I have teamwork experience,  
2 presentation experience with the school board, so,  
3 you know, I have that kind of career background as  
4 well.

5 So I guess to summarize all that, I think  
6 I could contribute to the Commission because of the  
7 work I've done in my career has been very directly  
8 related to the task of redistricting.

9 But it's also not just purely number  
10 crunching I'm my career, although that's a big part  
11 of it. I also learned the other side, which is how  
12 do you get community input, try and get some  
13 community buy-in to the proposals you're making?  
14 And I think that was a very important skill that I  
15 learned throughout my career as well.

16 MR. DAWSON: Thank you.

17 Question two: Work on the Commission  
18 requires members of different political backgrounds  
19 to work together. Since the 2010 Commission was  
20 selected and formed, the American political  
21 conversation has become increasingly polarized,  
22 whether in the press, on social media, and even in  
23 our own families.

24 What characteristics do you possess and  
25 what characteristics should your fellow

1 Commissioners possess that will protect against  
2 hyper-partisanship? What will you do to ensure  
3 that the work of the Commission is not seen as  
4 polarized or hyper-partisan and avoid perceptions  
5 of political bias and conflict?

6 MR. MACPHAIL: Well, I think a  
7 characteristic I would have and I would expect the  
8 other Commissioners would have is, although I'm  
9 being considered as part of a particular party  
10 subgroup to be on the Commission, my feeling would  
11 be that, if I was on the Commission, my purpose is  
12 there to get a job done, namely redistricting our  
13 legislative boundaries, irrespective of my party  
14 registration. And as I said, I would hope that all  
15 other Commissioners, and I'm sure they would, would  
16 have that same perspective.

17 So that would be an important  
18 characteristic to have, that you're there to do a  
19 task, you have a mission, and your partisan label,  
20 which is the way you're registered in this country,  
21 shouldn't affect how you do the job of  
22 redistricting in my, maybe, slightly naive opinion.  
23 But my background would suggest that you do not  
24 need to have a partisan perspective on this job.

25 And I think we see how that can be



1 manifested in the work of the Applicant Review  
2 Panel. They, themselves, are each on there because  
3 they have a particular party registration. But I  
4 think we've seen, in the last six months or so of  
5 their work, how they are following the rules  
6 they've been given to select people, they're  
7 meetings have been very open and transparent, and I  
8 think that's very good modeling for how the  
9 Commission should work. You know, we should be  
10 seen to make decisions based on those rules and  
11 regulations that we have to follow to redraw the  
12 boundaries rather than our particular party  
13 registration.

14           In terms of characteristics of the  
15 Commission, I think you've already done the work  
16 through your selection process in the questions you  
17 asked us early on in the application processes in  
18 terms of you asked us about any political activity  
19 we might be involved in. So I think by now, people  
20 who have strong political backgrounds, you know,  
21 such as maybe elected as Democrats or elected as  
22 Republicans, that might bring up some concern in  
23 the public about their ability to be impartial.  
24 And I think you probably, through your process, you  
25 know, pick people who don't have that background.

1           We all have political opinions. Probably  
2 many of us have contributed in a very modest way to  
3 causes or candidates. But I think that's an  
4 acceptable level of engagement in our political  
5 process but I don't think it makes you partisan or  
6 hyper-partisan.

7           In my work in the school district, you  
8 know, it was not a partisan environment but there  
9 were certainly differences of opinion that you had  
10 to work through on task forces and committees.  
11 And, again, you're there to do a task. You're not  
12 there to bring your biases or history to the  
13 Commission. You're there to do a task. And I  
14 think everyone on the Commission could do that.

15           I think, finally, you know, I guess  
16 there's some small symbolic things that you could  
17 do on the Commission to make it obvious to the  
18 public that we're there to be a nonpartisan  
19 Commission, little things like even how you sit.  
20 You know, we have three subgroups on this  
21 Commission. We should all sit together. We should  
22 not be segregated by our party affiliation. We  
23 should be mixed up and rotated. The Chair of the  
24 Commission should probably rotate individually so  
25 that everyone gets a chance, so it's not seen to be

1 one particular subgroup is in charge of the  
2 meetings.

3           And I would hope that as the Commission is  
4 formed, you know, that they would have the  
5 opportunity to meet, to develop a sense of  
6 comradery through the training and understand what  
7 their common purpose is all about. I think having  
8 those personal interactions, once you meet the  
9 party, the Commission members, I think those party  
10 labels, we'd hope, would subside. You get to know  
11 them as people and not as that's the -- that's one  
12 of the Republican representatives or that one is  
13 the Green Party representative.

14           And it certainly sounds like the 2010  
15 Commission did a very good job of that. And it  
16 would probably be useful for the new Commission to  
17 tap the resource of the previous Commission to ask  
18 about those sorts of issues too.

19           MR. DAWSON: Thank you.

20           MS. PELLMAN: You have 15 minutes, 55  
21 seconds remaining.

22           MR. DAWSON: Thank you.

23           Question three: What is the greatest  
24 problem the Commission could encounter and what  
25 actions would you take to avoid or respond to this

1 problem?

2 MR. MACPHAIL: I think I've got one-and-a-  
3 half problems. I think the first problem I thought  
4 about was the biggest problem would be gridlock on  
5 the Commission. I mean, that would suggest that  
6 we're failing in our duty to get maps done. And  
7 that goes -- maybe, hopefully, would not go back to  
8 the partisanship question.

9 It would be terrible if one of those  
10 subgroups was implacably opposed to a proposal and,  
11 hopefully, that would not happen. If it did  
12 happen, I think you could do some conflict  
13 resolution-type process in public to get every  
14 Commission to talk about why they're opposed to a  
15 particular proposal without interruption, just let  
16 everyone talk, get their viewpoints across.

17 Maybe chart it and try and find out what  
18 are the areas of agreement and disagreement? What  
19 does everyone think is good about a particular  
20 proposal? And what are the sticking points? Try  
21 and itemize what the sticking points are and that  
22 would help narrow the discussion.

23 Maybe there's someone on the Commission  
24 who has a particular local knowledge of the  
25 proposal that we're stuck on that could help. It

1 might reveal an angle that the rest of haven't  
2 thought about.

3           Also, I think if we're stuck on a boundary  
4 proposal, you should probably review the public  
5 testimony to see if there's anything that we missed  
6 in that testimony that might shed light on the  
7 thing that's causing the gridlock. And I think you  
8 would have to weigh the public testimony quite  
9 strongly over your own personal feeling about the  
10 proposal. You know, if the public testimony  
11 reveals the boundaries should be draw this way but  
12 what we have come up with is slightly different, I  
13 would probably defer to  
14 the -- all the public testimony.

15           The other half problem that the Commission  
16 could encounter is maybe to do with what's  
17 happening right now, this strange situation that  
18 we're in with the isolation. Hopefully -- we all  
19 hope it will be over quite soon. But if it drags  
20 on and we're still isolated, I'm not quite sure  
21 exactly when the Commission is going to start its  
22 work. But if we're meant to be out in the  
23 community meeting people and this is still going  
24 on, it won't be a public meeting in a community  
25 hall. It would have to be something like this.

1 That would be a big technological challenge to get  
2 valid public testimony.

3 Of course, we could have things like  
4 websites where people could submit testimony, as  
5 well, but it would obviously be inferior to getting  
6 out there and meeting people.

7 As part of this situation that we're going  
8 through now, the bigger problem, I think, is with  
9 the census. You know, we're right now in census  
10 time. And people are always highly focused right  
11 now on coronavirus. I wonder what our response rate  
12 to the census is right now? Are people paying  
13 attention to the census? What will the quality of  
14 the data be right now with the census as it's being  
15 collected? Are people who claim to be census  
16 enumerators, they'd be going out after the initial  
17 collection to try and mop up people who have not  
18 responded. But if we're in this environment, how  
19 will that collection process go?

20 So it gives you some concerns about the  
21 data quality that we might get. There will be a  
22 big file created from the census that would be used  
23 for redistricting. And what does this mean for  
24 that data quality? You'd probably have to do some  
25 statistical adjustments, which are never ideal.

1 You want to have a true, accurate count of the  
2 people. And when you start doing statistical  
3 models to adjust, that might cause some public  
4 concern about the numbers that you're using to do  
5 your work.

6 So, you know, one problem is, I think,  
7 gridlock, which I think you can work through if  
8 everyone has a good mindset.

9 But, secondly, we have -- we could have  
10 some big problems with data in the environment that  
11 we live in.

12 So those would be my problems.

13 MR. DAWSON: Thank you.

14 Question four: If you are selected you  
15 will be one of 14 members of the Commission which  
16 is charged with working together to create maps of  
17 the new districts.

18 Please describe a situation where you had  
19 to work collaboratively with others on a project to  
20 achieve a common goal. Tell us the goal of the  
21 project, what your role in the group was, and how  
22 the group worked through any conflicts that arose?  
23 What lessons would you take from this group  
24 experience to the Commission, if selected?

25 MR. MACPHAIL: Oh, I guess I have an

1 experience that's very directly related to the work  
2 of this Commission.

3           When I worked for San Diego Unified back  
4 in 2011, I was the technical lead on the team that  
5 redrew the San Diego Unified Board of Trustee  
6 boundaries following the 2010 Census. So I was one  
7 of, basically, two staff people that cared and fed  
8 for the committee that the school board set up to  
9 do the job very similar to what this Commission  
10 would do. We had to redraw the boundaries  
11 following the census because there had been  
12 population shifts within San Diego Unified and you  
13 had to equalize, or within a certain variance, the  
14 five trustee boundaries in San Diego Unified.

15           So, you know, what we did was the board  
16 picked a committee of five people, one for each  
17 board trustee district. And they actually  
18 reflected the district's demographics very well.  
19 San Diego Unified, large urban district, very, very  
20 diverse. I might talk about that. And the five-  
21 member committee had Latino, Asian, African  
22 American, LGBT, White representation on it. It was  
23 very reflective of the district.

24           And my role on the committee, first of all  
25 -- well, feeding the committee was, first of all, I



1 provided some guidance to that committee on finding  
2 a GIS consultant to do the work. We wanted to  
3 outsource the work rather than doing it internally.  
4 So I helped them look at the RFPs that we received  
5 when asked for companies to do the work for us. I  
6 developed a little rubric about how to score the  
7 responses from the companies: How responsive were  
8 they to the task that we needed? We ended up  
9 selecting a company that's actually based in  
10 Virginia. And, you know, that caused a little bit  
11 of a difficulty, given that they were on the other  
12 side of the country. So I was kind of the calm  
13 between the consultant and the committee in passing  
14 along (indiscernible).

15           We went out to the community. The  
16 committee and I presented our scenarios. We took  
17 input from the communities that we visited as to  
18 how to change them and if they had any problems. I  
19 would say we had a high degree of conflict at those  
20 meetings.

21           You know, school board trustee boundaries  
22 are not a highly passionate area of concern. But,  
23 you know, people wanted to make sure, when we  
24 redrew the boundaries, as we would see on the State  
25 Redistricting Commission, that we weren't putting

1 up neighborhoods or school communities. And we  
2 would get that sort of input and we would go back.  
3 In fact, we didn't even need to go back. The  
4 consultant was there with their GIS live so that we  
5 could respond directly and live for questions from  
6 the communities, please don't split up North Park,  
7 which is the neighborhood island, and say, "Okay,  
8 if we don't split up North Park, let's see what  
9 that does." You can redraw the line live and that  
10 would show, oh, we just added 1,000 people to  
11 Trustee District D. That puts us over the ideal  
12 balance that we're looking for.

13           So you could interactively work with the  
14 community, which I think developed a lot of trust.  
15 We weren't in a back room fiddling with the  
16 boundaries. They could see how you were changing  
17 them and what the impacts were.

18           So, let's see, so that the example I have  
19 that I've gone through a process of redrawing  
20 boundaries, getting community input, finally going  
21 back to our school board with the impetus of having  
22 a committee and, by default, the community agreeing  
23 on these final boundaries. And that gave your  
24 consideration a lot of weight with the school board  
25 and they, you know, they unanimously approved the

1 boundaries that we came up with.

2 MR. DAWSON: Thank you.

3 Time check, Madam Secretary?

4 MS. PELLMAN: Six minutes, twenty seconds  
5 remaining.

6 MR. DAWSON: Thank you.

7 Question five: A considerable amount of  
8 the Commission's work will involve meeting with  
9 people from all over California who come from very  
10 different backgrounds and a wide variety of  
11 perspectives.

12 If you were selected as a Commissioner,  
13 what skills and attributes will make you effective  
14 at interacting with people from different  
15 backgrounds and who have a variety of perspectives?  
16 What experiences have you had that will help you be  
17 effective at understanding and appreciating people  
18 and communities of different backgrounds and who  
19 have a variety of perspectives?

20 MR. MACPHAIL: I'll try and be a little  
21 less wordy for the last few minutes. I'm sorry.

22 I guess, once again, I go back to my  
23 experience with San Diego Unified, which I said  
24 before, super diverse district both in ethnic and,  
25 also, socioeconomic terms. The district is roughly

1 45 percent Hispanic population, a quarter White.

2           And we have a huge variety of different  
3 neighborhoods of different socioeconomic levels,  
4 from La Jolla, which is probably one of the  
5 wealthiest neighborhoods in the country, and then  
6 we have new immigrant neighborhoods where families  
7 are just struggling to get by. And, you know, we  
8 have to work with those very different  
9 neighborhoods to do our work. And in some, you  
10 know, in some cases there might be trust or  
11 language issues in some of those communities in  
12 dealing with a large agency. And you have to try  
13 and engender trust.

14           And in my job, you know, I went to  
15 neighborhoods at all levels of that spectrum to  
16 present particular proposals. And I guess how I  
17 would -- how I approached that was I would first go  
18 to neighborhoods, reach out to the principals  
19 involved in whatever proposal I was bringing to  
20 them, and the parent leaders, to start the  
21 conversation. Now, usually, I was bringing a  
22 proposal that was something we had to do. So it  
23 wasn't like I was going to these communities to say  
24 we don't have to do this. I was -- I just, I  
25 needed input and I was welcoming the input that we

1 got to make the proposal better.

2           Our neighborhoods, as I said, were very  
3 diverse. And there's ways that you can appreciate  
4 that difference and show them that you appreciate  
5 it that I think were well received. For example,  
6 when I went out to present in neighborhoods where  
7 there was a language issue, we would bring a  
8 translator to the meetings. We also had headsets  
9 that community people would wear and they would get  
10 direct translation as I was presenting something.  
11 We -- you know, and I think that was a very good  
12 symbol of us showing that we appreciate their  
13 input, that we're giving these services so that we  
14 get the input from them and they understand what  
15 we're saying.

16           We would also do things, like we would  
17 hold our meetings after work. We would offer  
18 childcare because we wanted people to come to these  
19 meetings and we understand that people have other  
20 things going on in their lives that make it hard,  
21 especially in the more marginal communities where  
22 they're working. So there's no point in having a  
23 meeting in the afternoon because these people are  
24 working, so we'd have our meetings in the evening.  
25 They have families. Well, we want to make them

1 feel comfortable, so we'd offer childcare.

2           So I think those were ways where we would  
3 go out of our way to show we appreciate what's  
4 going on in your community and here are ways we are  
5 manifesting that.

6           So I think, you know, sensitivity to the  
7 conditions of the community that you're impacting  
8 is an important thing to show.

9           I can give you a specific example. I  
10 won't go into -- I think I'm going to run out of  
11 time, though, different perspectives.

12           One of my jobs was, and it was the  
13 toughest job I had, really, there's a state  
14 proposition called Prop 39 which governs how you  
15 share -- how you give space to charter schools on  
16 district facilities. And there's a whole bunch of  
17 regulations about how you do that and it involves  
18 having to share a campus with two competing and  
19 different schools who have different philosophies  
20 and different perspectives.

21           And my role was kind of to be an arbiter,  
22 to try and weigh both demands to share the space,  
23 and to be relatively neutral, to appreciate both  
24 sides' perspectives and to come up with a proposal.  
25 Both sides might not get what they want completely.

1 It sounds rather mundane, but it would be things  
2 like there's only one auditorium on a school site  
3 and now you have two schools who both need to use  
4 the auditorium. How do you solve that? Well, we  
5 have to sit down together, listen to what their  
6 needs are, what their wants are, and try and work  
7 out a schedule that meets as many of those needs as  
8 possible. And it's hard to do things like that  
9 because they're both competing against each other.

10 So, you know, my job was to appreciate  
11 where they were both coming from and kind of be a  
12 bit Solomonic sometimes, having to split the baby  
13 to come up with a solution that, hopefully, worked  
14 as well as possible.

15 So I'll stop there.

16 MR. DAWSON: All right. Thank you, Mr.  
17 MacPhail.

18 We will now go to Panel questions. Each  
19 Panel member will have 20 minutes to ask his or her  
20 questions.

21 MR. MACPHAIL: Okay.

22 MR. DAWSON: And we'll start with the  
23 Chair.

24 Ms. Dickison?

25 CHAIR DICKISON: Good morning, Mr.

1 MacPhail.

2 MR. MACPHAIL: Good morning.

3 CHAIR DICKISON: Give me one minute.

4 MR. MACPHAIL: No problem. I'll take a  
5 drink of water.

6 CHAIR DICKISON: Okay. In your partiality  
7 essay, you talked about the ability to be impartial  
8 as essential and that no one is free of bias, that  
9 it's vital to be open to diverse opinions.

10 Tell us, what are your biases and how do  
11 you ensure that they won't influence your decisions  
12 if you were selected as a Commissioner?

13 MR. MACPHAIL: I think it's rather hard to  
14 identify your own biases. What does someone think  
15 of you? What do they think you're biased in?

16 You know, I have a certain educational  
17 background and (indiscernible). I'm an immigrant  
18 myself. I'm a member of the LGBT community, so I  
19 guess that would suggest certain opinions but  
20 (indiscernible) I don't. I would try very hard and  
21 I sincerely believe any part of that experience  
22 would not bias the work that I do. I mean, that's  
23 been my entire career, is to be a public servant,  
24 to listen to different opinions and apply the rules  
25 as best I can. And that's an approach I would



1 bring to the Commission.

2 I have a particular background and it's my  
3 personal background. But it would -- I really do  
4 believe it would not influence me one way or the  
5 other, beyond having, you know, a little bit of  
6 empathy. And I think any Commissioner could have  
7 empathy and understanding of perspectives from an  
8 immigrant community or the LGBT community. I just  
9 personally know some of the things that might be in  
10 their minds.

11 I, obviously, had a very straightforward  
12 experience with the Immigration and Naturalization  
13 Service when I became a citizen compared to other  
14 immigrant groups but I do have a personal  
15 understanding of why it might be hard to get  
16 immigrant communities to be involved in this  
17 process. They might have a certain trust issue  
18 about dealing with a large agency.

19 I had, as I said, I had a very easy  
20 process but it was, actually, scary as well. You  
21 know, there's parts in the immigration process  
22 where you could potentially be sent home. I went  
23 through a Green Card process which allowed me to  
24 work in this country. And there's a part of that  
25 process where, if you don't get through, your job

1 is out and you have to go home. So that, I mean,  
2 caused a small degree of anxiety for me. I got  
3 through the Green Card process but, you know, it  
4 gives me a little bit of an insight into why  
5 immigrant communities might be afraid of dealing  
6 with an agency or a public body asking them  
7 questions. So that's -- but I would not let that  
8 govern how I would draw a boundary.

9 CHAIR DICKISON: Thank you.

10 You answered some of my questions as we  
11 went, so let me take a look. I'm going to ask  
12 about -- some questions about when you were a  
13 technical lead on the redistricting for San Diego.  
14 You answered some of my questions. But if I ask  
15 something that you've answered, I apologize. You  
16 told us what your role entailed.

17 What -- did you happen to identify any  
18 communities of interest as part of that process  
19 that you didn't already know existed in your area?

20 MR. MACPHAIL: No, not really. The work  
21 that we did in that redrawing back in 2011, it was  
22 relatively minor. You know, we had had some  
23 population change but not a lot of population  
24 change. And we knew which districts we had to  
25 equalize, so we concentrated our work on the areas

1 around these -- those particular boundary lines  
2 that had to change.

3           And given we knew a lot about the student  
4 demographics of the area and we had a little bit of  
5 census data, as well, about the areas we were going  
6 to effect, we knew that, oh, well, we're going to  
7 go out to a significantly Hispanic community, so  
8 let's gear our presentation, as I was giving some  
9 examples of how we would make that outreach to a  
10 community with a language example [sic].

11           So we didn't uncover any unique unknown  
12 communities of interest. You know, the major  
13 groups were ethnic groups, such as Hispanic  
14 population. In my neighborhood where I live it's a  
15 significant LGBT core for the city. And there were  
16 some representations about keeping that community  
17 together. But, obviously, it was a known community  
18 and, you know, we worked through that and they were  
19 not split up.

20           But, no, I didn't find any unknown  
21 communities in the work.

22           CHAIR DICKISON: Thank you.

23           You talked about the public outreach  
24 already.

25           You also talked about trying to keep

1 communities of interest together and neighborhoods  
2 and things of that sort. So part of the regulation  
3 puts, in priorities, communities of interest,  
4 neighborhoods, cities, and counties.

5 How should the Commission deal with those  
6 if you have those groups that might be in conflict  
7 as far as determining which should --

8 MR. MACPHAIL: Right.

9 CHAIR DICKISON: -- take priority?

10 MR. MACPHAIL: Yeah. I watched the  
11 presentation you got when it went out with the  
12 consultant who talked about the redistricting rules  
13 when you -- when it was live. I should have gone  
14 back and watched in preparation for this. I seem  
15 to recall there were that list that you just  
16 mentioned. But I also remember him saying that  
17 there wasn't, maybe, a direct priority that you had  
18 to keep all the plates spinning at the same time.  
19 And I think he used that analogy of driving a car  
20 and keeping your foot on the accelerator and the  
21 brake and the headlights. You know, you have to  
22 try and keep everything going at the same time.

23 But, you know, I think there is a little  
24 bit of a hierarchy in the sense that, first of all,  
25 there is population size. There are certain rules

1 about how big the districts would be.

2 I seem to recall, I wasn't 100 percent  
3 clear from your presentation, at least for the  
4 congressional districts, whether they had to be  
5 perfectly balanced or whether there was a degree of  
6 variance allowed.

7 You know, in the work that the Commission  
8 would do, if there is a degree of variance it may  
9 allow you to take into account from community  
10 perspective, can we stretch the boundary to include  
11 this particular community of interest or all of  
12 this particular city in Boundary A, and do we still  
13 stay within the variance that we're allowed to have  
14 for the variance? Can we meet that demand? And if  
15 we can't, we can't. If it throws the variance out  
16 of whack, then we cannot accommodate the  
17 interests.

18 CHAIR DICKISON: Thank you.

19 So with your degrees in geography, would a  
20 really strangely shaped district alarm you and, if  
21 so, why or why not?

22 MR. MACPHAIL: Right. I must admit, with  
23 my geography background, I do have an affinity for  
24 things being compact and not looking odd. And, you  
25 know, the classic gerrymander or garymander

1 (phonetic), as it's really pronounced, would have  
2 very strange looking fingers to pack or crack  
3 communities and we don't want that.

4           However, once again, going back to your  
5 presentation that you got, the consultant made the  
6 point that compactness isn't really the be-all and  
7 end-all of redistricting, that if you're keeping a  
8 community of interest together, that's maybe a bit  
9 more important than a classic circular or square  
10 boundary. You may have a slightly odd shape but  
11 you've achieved the goal of keeping a community of  
12 interest together.

13           I think you went through an example where  
14 there was a rather large peninsula to a particular  
15 district. And it was more -- it's more important  
16 to meet the needs of the people living in the  
17 district to keep communities of interest together,  
18 keep cities together, than it is to have a nice  
19 perfect grid of boundaries, although my training  
20 does chafe at that but I do understand. That's  
21 really the goal, is to get communities together.

22           CHAIR DICKISON: Thank you.

23           So in your analytics essay, you talked  
24 about the census data and how important it is but  
25 it's not always enough, that it's equally important

1 to have an understanding of the quality and limits  
2 of the data.

3 MR. MACPHAIL: Right.

4 CHAIR DICKISON: And you just talked a  
5 little bit about the current social distancing and  
6 concerns about maybe the quality of the data.

7 The other part of that is that California,  
8 most likely or it's estimated, that California is  
9 going to lose a congressional district --

10 MR. MACPHAIL: Yes.

11 CHAIR DICKISON: -- this time around.

12 MR. MACPHAIL: Yes.

13 CHAIR DICKISON: Matching that with the  
14 concerns over the current census and the data  
15 coming out, what kind of proposals would you go  
16 forward with, with the Commission, on how to deal  
17 with that --

18 MR. MACPHAIL: Yes.

19 CHAIR DICKISON: -- and put that together  
20 as a team?

21 MR. MACPHAIL: It's very, very worrying.  
22 You know, you have -- the census is such a trusted  
23 source of information. And we're in a very strange  
24 territory right now. And I guess, you know,  
25 initially, we would just wait to see what the data

1 is from the census. I hope that people will/are  
2 responding. It's very easy. You know, I hope  
3 you've all done it. You would have gotten a very  
4 simple letter in the mail where you enter a code  
5 and you answer about five or six questions. It's  
6 really not that hard. But, obviously, people are  
7 very distracted right now, so that makes you worry  
8 about quality of the data.

9           The Census themselves, if they have  
10 concerns, you know, they are -- they have greater  
11 statistical minds than me, they would do some kind  
12 of adjusting. They will have, no doubt, formulas  
13 to make adjustments. And they would produce what  
14 they deem to be appropriate data for commissions  
15 across the country to use.

16           As I said, it does bring out trust issues.  
17 In this era, we're talking about politically-  
18 charged era, there's distrust out there about the  
19 government. And especially redistricting, you  
20 know, the federal government last year was making  
21 efforts to change how census data was even going to  
22 be enumerated. And that would engender some trust  
23 issues as well. And those things are really  
24 outside the control of the Commission. And, you  
25 know, all we can do is take the data, which would



1 be the same data being used across the country and  
2 use that to do our work. And we will probably  
3 acknowledge that maybe it's not perfect this time  
4 around but it's what we have and it's what we have  
5 to do.

6           And you mentioned the fact that we might  
7 well lose a congressional district. Given that the  
8 data may not be as perfect in the past, where you  
9 decide to lose that district, it could be a really  
10 challenging set of public meetings to explain that  
11 you're going to remove a particular legislative  
12 district in a particular part of our state.

13           But it would then be the job of the  
14 Commission to explain, this is why we're doing it.  
15 This is the data that we got. It looks like the --  
16 and I'm going to make this up, I don't want to  
17 upset anyone -- it looks like Northern California  
18 has had a population decline of X percent, whereas  
19 Southern California has gone up by Y percent.  
20 Therefore, Northern California, you're going to  
21 lose a seat. And let's -- that's why we focused on  
22 your area and this is what we've come up with. It  
23 would be challenging but that's what the data would  
24 drive us to do.

25           CHAIR DICKISON: Thank you.

1 MS. PELLMAN: We have six minutes, twenty-  
2 seven seconds remaining.

3 CHAIR DICKISON: Thank you.

4 Okay, let's see what else I have here.

5 So if you were selected as one of the  
6 first eight Commissioners, you would be tasked with  
7 selecting the next six. What would you be looking  
8 for in those six Commissioners?

9 MR. MACPHAIL: Right. Well, if my lucky  
10 lottery number came up and I was one of the eight,  
11 I guess, you know, I'm assuming the way it's done  
12 that way with eight and then six is you don't want  
13 to leave it completely to chance. You know, what  
14 would happen if the first eight balls that come out  
15 leave you with older White gentleman, like me? You  
16 don't want the Commission to look like me in its  
17 entirety. And that's why there's six balls left or  
18 six candidates left to pick from.

19 And I think, obviously, the first eight  
20 people out should look at, well, what are the eight  
21 of us like? What's our demographic composition?  
22 What's our geographic composition? What's our --  
23 what do we bring to the table? We've got a data  
24 map nerd sitting at the table. You might have  
25 someone who's more into community outreach and has

1 a lot more experience than I do how to reach  
2 communities of interest and marginalize  
3 communities. You may have -- in fact, I did look,  
4 you have an awful lot of attorneys and consultants  
5 in your pool. You may have one or two of those, as  
6 well, but they may have particular viewpoints.

7           And then I think the questions that you  
8 would ask for the other six would be, what are we  
9 missing? Do we -- we're lacking in particular  
10 demographic characteristics. We need some more  
11 Northern Californians on the committee. We need  
12 more women on the committee. We're missing Asian  
13 representation. That has to be part of the  
14 conversation. Because by that point, everyone in  
15 your pile, they're all qualified, that's not the  
16 issue. At this point you're saying, what unique  
17 characteristics in the eight out of -- you've  
18 selected eight and there's a total of 60, so that's  
19 52 -- we've got 52 people in three silos. You  
20 would each in each of those groups to see if you  
21 can round out the Commission to be more  
22 representative than maybe the first eight balls out  
23 of the hopper.

24           CHAIR DICKISON: Thank you.

25           Can I get a time check please?

1 MS. PELLMAN: Yes. Three minutes, forty  
2 seconds.

3 CHAIR DICKISON: Okay. Thank you.  
4 What would you like to see the Commission  
5 ultimately accomplish?

6 MR. MACPHAIL: I would like, obviously,  
7 the Commission to fulfill its primary duty of  
8 redrawing the boundaries based on the data. That's  
9 one thing. But also to do that with public  
10 support, community input, and an understanding from  
11 the communities that we work with that we have been  
12 open and transparent in doing that job. And maybe  
13 we didn't do everything that certain communities  
14 wanted us to do but we gave it a really good try  
15 and we tried to accommodate as many of the  
16 competing interests as possible, and then to convey  
17 that to the legislature, I imagine. That would be  
18 what I would want to accomplish.

19 CHAIR DICKISON: Thank you.

20 Okay, I don't have any further questions,  
21 so I'm going to turn it over to Mr. Belnap.

22 PANEL MEMBER BELNAP: Good morning, Mr.  
23 MacPhail.

24 MR. MACPHAIL: Good morning.

25 PANEL MEMBER BELNAP: Thank you for being

1 with us. My first question is a little bit just  
2 history and timeline.

3 You came from Scotland to UCLA for a  
4 master's program in geography. Why did you pick  
5 UCLA?

6 MR. MACPHAIL: Well, it's interesting. My  
7 bachelor's degree was at University of Glasgow.  
8 And our geography department had a little bit of a  
9 history in sending students out to the U.S. to do  
10 master's degrees. And in the past, before my year,  
11 the main pipeline took students to Miami  
12 University, Ohio. Lots and lots of us went out  
13 there.

14 The year I came up, the professors that we  
15 all worked with suggested that we try and cast our  
16 nets further afield. And I had a couple professors  
17 I was working with and they suggested I apply,  
18 actually, to four, I think, universities for  
19 master's in geography. And some of them had done  
20 graduate work or postdoctoral work in the U.S., so  
21 they had a good -- a fairly decent know of what  
22 geography departments in the U.S. were like and  
23 what their specialties were. So I was encouraged  
24 to apply to a rather diverse group. I applied to  
25 Penn State, University of Kentucky, University of

1 Tennessee -- in retrospect, I think I had a  
2 professor who liked the south -- and then UCLA.

3           And I sent out those applications and I  
4 think, first of all, I got one back from Tennessee  
5 offering me a fellowship and pay my fees. And I  
6 thought, oh, my gosh, I can't believe someone is  
7 going to do this for me. And the professor I  
8 worked with said, "Just wait. Let's see who else  
9 comes in." And the I got a similar offer from UCLA  
10 and he said, "Take that offer. That's where you  
11 want to go. That would be good for the interests  
12 that you have and it would be a good place to live  
13 too."

14           So that's kind of how I ended up at UCLA.  
15 I didn't have a huge knowledge of the university.  
16 You know, my only knowledge of L.A. was from TV  
17 back home, so it was a bit of a shot in the dark,  
18 but I'm glad I chose the school I chose.

19           PANEL MEMBER BELNAP: And you graduated  
20 from UCLA in 1988 --

21           MR. MACPHAIL: Yes.

22           PANEL MEMBER BELNAP: -- and began working  
23 for San Diego School District in 1996, so there's a  
24 gap there.

25           What were you doing in those, what, eight

1 years?

2 MR. MACPHAIL: Yes. Well, after I  
3 finished my master's in '88, I had an idea that I  
4 might want to go on to the PhD program in geography  
5 but I was kind of -- I'd had six years in a row of  
6 school. I'd done my four-year bachelor and my two-  
7 year master's and I thought, oh, I'm not sure if I  
8 want to now jump into PhD programs. And the  
9 professor I worked with was actually from New  
10 Zealand. He was an immigrant himself. He said,  
11 "You know, you're allowed to take a year off and  
12 work for a company in an allied area. And then why  
13 don't you do that and then if you want to come  
14 back, come back?"

15 So he put me in touch with a computer  
16 mapping company in San Diego. And I went down and  
17 I interviewed and they offered me a job. And  
18 within about two or three months of doing that, I  
19 said, "I'm enjoying this." I don't think I want to  
20 go back into academia. For a whole host of reasons  
21 I decided I didn't want to go back into academia.  
22 And I started working for a private computer  
23 mapping company, I mentioned it very briefly, I  
24 think, already. They sold a computer mapping  
25 program across the country, mainly to police

1 departments and to school districts. And my job  
2 was to work particularly with school districts to  
3 set up their data and to show them how to run  
4 reports. And I traveled across the country doing  
5 that, which was a great way to see the country and  
6 to see different demographics and different  
7 problems to solve. So I did that for a couple of  
8 years.

9           One of my clients was Virginia Beach City  
10 Public Schools. And I trained someone in how to do  
11 that. Then he got a promotion. And he called me  
12 and said, "Hey, would you like to do the job that  
13 you trained me to do?" And it was a nice pay  
14 raise. And I decided to do it and I drove across  
15 the country, which was a terrific experience. I got  
16 to see the entire country. I drove from San Diego  
17 to Virginia Beach, Virginia and I worked there for  
18 three years. And then I came back to San Diego and  
19 I started -- I worked for the private company I'd  
20 worked for previously for a year and a bit. And  
21 one of our clients was San Diego Unified. And a  
22 position came up there and I got the position of  
23 demographer.

24           So that was the gap.

25           PANEL MEMBER BELNAP: So, obviously, you



1 stayed in California. Did that just work out or  
2 did you find yourself drawn back to California,  
3 trying to find positions here?

4 MR. MACPHAIL: Yeah. I mean, I'm very  
5 happy I did my three years in Virginia but even --  
6 I did miss being in California. And when the  
7 opportunity came to go back, especially to San  
8 Diego, you know -- I've lived in San Diego longer  
9 than anywhere else -- I grabbed it because I really  
10 enjoyed my time in San Diego. It's -- you know,  
11 the city is just the perfect size, there's a lot of  
12 diversity, but it's not L.A. It's not a huge city  
13 to get across. So, yes, I was interested in coming  
14 back.

15 PANEL MEMBER BELNAP: So do you believe  
16 your training in geography and your work as a  
17 demographer has prepared you to exercise  
18 impartiality on the Commission? And, if yes, how  
19 so?

20 MR. MACPHAIL: Right. Well, I think,  
21 hopefully, what I've conveyed so far is, yes, my  
22 interests and training and passion is in numbers  
23 and maps. And, you know, you can be very impartial  
24 and just say, "Well, the numbers work out this way  
25 and this is how we're going to draw the boundary."

1 So that's one level of impartiality.

2 But I think the work I did and the  
3 experience I gained in my 20-plus years in San  
4 Diego Unified also caused me to appreciate the  
5 other side of the coin, the more qualitative side  
6 of the coin where you might come up with something  
7 in your ivory castle and your data and your numbers  
8 but you've got to go out into the real world to see  
9 what people think about that. And you will be  
10 surprised and pleasantly surprised that there are  
11 other perspectives out there that can make your  
12 proposal better.

13 So, you know, I learned that have a  
14 particular opinion and I can come up with a  
15 proposal but you need that second part of the  
16 process, the community input, to make your proposal  
17 better.

18 So it's important not to hold on to your  
19 proposal, to be biased in favor of the proposal  
20 that you come up with, but to wait for others to  
21 weigh in and hopefully make that proposal better.  
22 So I think that would show my impartiality.

23 PANEL MEMBER BELNAP: I'm interested in  
24 what you just said. And I'd like you to provide an  
25 example where the qualitative perspective made your

1 quantitative work --

2 MR. MACPHAIL: Right.

3 PANEL MEMBER BELNAP: -- made your  
4 analysis better.

5 MR. MACPHAIL: I think probably the best  
6 example of that, and it was a very tough time for  
7 the school district, was around 2009, 2010, just  
8 after the big recession, the last big recession,  
9 you know, the district was in some financial  
10 hardship. And we were doing things like we were  
11 selling excess property just to keep the door open.  
12 The leadership asked us, the senior management  
13 team, to look into potentially closing schools.  
14 And that's, obviously, a hugely emotional issue for  
15 neighborhoods and people.

16 But what we had to do first was to look at  
17 the data. We had a whole bunch of people around  
18 the table. I had the demographic data. There were  
19 people who ran the school programs. Like how do  
20 you -- how would you supply particular Special Ed  
21 programs if we close school X? How would do  
22 transportation to get people from the school that  
23 we're closing to maybe where they would end up? So  
24 you had, you know, a bunch of quantitative data  
25 that each of us were bringing to the table.

1           What was the size of the schools? We were  
2 obviously looking at small schools, schools that  
3 had lost a lot of enrollment, had excess capacity.  
4 And then did they have schools next door where we  
5 could maybe accommodate everyone? We'd have to  
6 redraw attendance boundaries to shift people from a  
7 closed school to the schools around them.

8           So that was the sort of quantitative data  
9 that was being brought to the table, the senior  
10 management team, from which we would look at the  
11 different interests that we all had or our  
12 expertise, come up with a list of -- I think we had  
13 about ten schools on our list that we thought  
14 these, from our data, are potential candidates that  
15 we could close.

16           Then we had the challenging exercise of  
17 going out to those communities to start the  
18 conversation about, as you know, we're in financial  
19 problems and we have looked at the data for your  
20 cluster, it's a feeder pattern, you know, like  
21 elementary, middle, high school group. We've  
22 looked at the patterns for your cluster and we  
23 think we can close your school and send you to  
24 schools A, B, C and D around. And we think we can  
25 do it in this particular manner. You know, that

1 was never going to be a conversation that people  
2 would say, "Oh, yeah, that's great. That's a great  
3 idea. Thank you very much for letting us know."  
4 It's always going to be a very emotionally charged  
5 meeting.

6           But going out to the communities with that  
7 tough news, you would get input from them saying,  
8 "Yeah, I get what you're saying and, yeah, I want  
9 to keep my school open, but here's why? Did you  
10 take into account the fact that  
11 we -- it's five miles to the next school? And  
12 that's a real challenge for our community because  
13 most of us are poor people who don't have access to  
14 cars. You know, the public transportation in San  
15 Diego is not that great. Did you take into account  
16 how hard it would be for us to get to the  
17 neighboring school that you're going to send us to  
18 or did you -- how are you going to accommodate our  
19 preschool at the new school? Do you have enough  
20 room to do that? What about this particular  
21 program?" And they'd come up with a whole bunch of  
22 issues, some of which we had already considered,  
23 others which we hadn't.

24           And, you know, we would go back after  
25 these meetings with -- take the arrows out of our

1 back and then look at, okay, you know, they brought  
2 up a valid point. We did not consider the  
3 difficulty of getting to the new school. Can we  
4 change our proposal in light of that? And we ended  
5 up reducing that list to a much smaller number.  
6 And then it went to the school board and, although  
7 we had problems, the school board was really not  
8 keen on closing schools because it's, politically,  
9 a terrible thing to do, especially if you're up for  
10 reelection. So I think we ended up maybe getting  
11 one school closed after an awful lot of painful  
12 public outreach.

13 But going out does give you different  
14 perspectives that you don't think of with your  
15 quantitative data.

16 PANEL MEMBER BELNAP: Okay. Thank you.

17 I don't have any further questions at this  
18 time.

19 CHAIR DICKISON: Thank you, Mr. Belnap.

20 Mr. Coe, the time is yours.

21 PANEL MEMBER COE: Thank you, Madam Chair.

22 Good morning again, Mr. MacPhail. Thank  
23 you for taking the time to speak with us today.

24 MR. MACPHAIL: Good morning.

25 PANEL MEMBER COE: So in your application

1 and in what you've said today, you mentioned that  
2 you're an immigrant from Scotland. And I'm  
3 wondering if you can tell us about your experience  
4 as an immigrant to this country and how you think  
5 that perspective could be beneficial to the work of  
6 this Commission?

7 MR. MACPHAIL: Well, I think, you know, it  
8 does give you a little bit -- I mean, my immigrant  
9 experience, as I've already said, is a relatively  
10 mild immigrant experience, obviously in terms of  
11 culture, of language. There's a lot I have in  
12 common with the dominant culture of this country.  
13 So the transition I made is not as traumatic. And  
14 the reasons for my move here are not dramatic  
15 either. I was very, very fortunate. I came here  
16 willingly. I wasn't leaving conflict or any  
17 horrible situations to come to this country.

18 And -- but it does give me a little bit of  
19 a perspective, and I'm not trumpeting it, but I am  
20 -- although I've lived here now for 34 years, 60-  
21 plus percent of my life now has been in the U.S.,  
22 you know, I'm still an outsider to a degree, so it  
23 give me a little bit of an outside perspective on  
24 the country. And I think that's useful sometimes  
25 to just be able to take a step back and not be

1 completely in the culture, that you have a slightly  
2 different perspective that you can bring to the  
3 table.

4           It does give me a little bit of  
5 perspective, I think I said it earlier on, that,  
6 you know, as I said, my immigrant experience was  
7 very mild and very simple. But I think it does  
8 make me understand why, and this is useful for the  
9 work of the Commission, why it might be hard to get  
10 input from immigrant communities because there is  
11 sometimes fear, distrust, worry about interacting  
12 with a government agency. I mentioned, you know, I  
13 dealt with what was then called the Immigration and  
14 Naturalization Service. And as an English-speaker,  
15 it was still a very scary process. So I think I  
16 have that little bit of understanding where  
17 immigrant communities might have those concerns  
18 coming from, very mildly, but I think it does give  
19 me a little bit of a perspective.

20           PANEL MEMBER COE: So that leads me into a  
21 question I had that I was going to ask a little  
22 later but you thread into it quite nicely.

23           The idea of communities of interest in the  
24 state and in the identification of those is a huge  
25 task in front of this Commission. But as you



1 touched on, some communities are concerned or  
2 nervous about coming forward to government bodies  
3 to provide perspectives. And there could be a  
4 number of reasons for that concern.

5 But since their perspective is so vitally  
6 important, as you alluded to, to the work here, how  
7 can the Commission actually make them feel  
8 comfortable coming forward to share that  
9 perspective?

10 MR. MACPHAIL: Yeah. Oh, that's a very,  
11 very challenging question to answer.

12 I think one expression would be, what does  
13 our Commission look like? Will there be people on  
14 the Commission who have a much more direct link  
15 than I do to the particular communities that we're  
16 talking about who do have that trust issue? They  
17 can, hopefully, see that we're a Commission of  
18 citizens. We're not a Commission of politicians,  
19 we're not law enforcement, we're not taking  
20 people's names or addresses or any -- we're not  
21 recording that sort of level of information, and  
22 that we're really interested in getting people's  
23 opinions.

24 I mentioned, you know, also in terms of  
25 immigrant communities with language issues.

1 They're not issues, just different languages. You  
2 need to be able to talk to those communities in  
3 their language and you can show that you're  
4 interested in hearing their perspectives. You  
5 know, at the school district level, I don't know if  
6 that's possible with the Commission when you're  
7 going out to communities.

8           One way to demonstrate that we're  
9 interested and we value their input is to have  
10 translators there. I mean, that just sounds pretty  
11 mundane. I just don't know what resources the  
12 Commission has to do things like that but I think  
13 that's vital. You've got to be able to have --  
14 give people that comfort level that what they say  
15 is important. And if they say it in another  
16 language, that's okay too. We we've got to get  
17 that input from them.

18           PANEL MEMBER COE: Thank you.

19           Staying on the topic of communities of  
20 interest for a moment, it's -- some of those  
21 communities are -- they're engaged, they're easy to  
22 identify. They will willingly come forward and  
23 give you that information. Some are less so, maybe  
24 for reasons that we already talked about, but maybe  
25 there are other groups that aren't necessarily tied

1 by immigration that are less obvious and harder to  
2 identify.

3           So how, as a Commissioner, would you  
4 suggest that the Commission go about identifying  
5 communities of interest all across the state --

6           MR. MACPHAIL: Yeah.

7           PANEL MEMBER COE: -- and avoid kind of  
8 inadvertently missing some that are harder to  
9 identify?

10           MR. MACPHAIL: I think a couple of ways.  
11 First of all, depending on what the Commission  
12 looks like, and, obviously, with 14 people, you're  
13 not going to hit every community or every corner of  
14 the state, however, there might be someone on the  
15 Commission who knows that particular area. And  
16 they can say, oh, "We've got to get in touch with  
17 this particular community that's very important in  
18 our area. It's not one that might bubble to top of  
19 the list, like, you know, maybe there, I think, in  
20 some of the rural parts of the state.

21           I've been up to Modoc County many years  
22 ago and it's a very different experience from what  
23 I'm used to in Southern California. But I seem to  
24 remember in the inland, older parts of our state,  
25 there's like a small Basque community. There's

1 different levels, different communities out there.  
2 And if we have someone on the Commission who could  
3 say, "Hey, don't forget to engage the Basque  
4 community." How do we do that? Well, maybe  
5 there's a community newspaper or a church or  
6 something like that. You might want to contact  
7 city agencies or your (indiscernible) or through  
8 their web page.

9           And in the example of San Diego, we have  
10 defined community planning areas. And there's a  
11 pretty elaborate website where you can zoom into  
12 North Park, which is my particular neighborhood in  
13 San Diego, and there's a lot of information about  
14 what's going on in North Park. What are the  
15 different groups that you might want -- who are  
16 civic-minded community groups versus like  
17 (indiscernible) either by directly contacting  
18 cities or governments? That might be a good  
19 starting point to make sure, okay, we're going to  
20 be redrawing the boundaries in your area. This is  
21 what the data looks like. What major community  
22 (indiscernible) do you work with in your daily work  
23 that we should be talking to? Maybe TV stations in  
24 different languages. Contacting local agencies or  
25 cities might help you drill down to those

1 communities that might otherwise be missed.

2 PANEL MEMBER COE: Okay. Thank you.

3 In some of your discussion today and in  
4 your essays you talk about the opportunities you've  
5 had to interact with or work with people of diverse  
6 backgrounds. And I'm wondering if you can tell us a  
7 little bit about what you've learned from these  
8 people, their perspectives, their concerns, their  
9 preferences that would make you an effective  
10 representative for them on this Commission?

11 MR. MACPHAIL: Right. I would just, I  
12 would go back to the fact that San Diego Unified  
13 School District, where I spent most of my career,  
14 incredibly diverse district (indiscernible). Very  
15 different and diverse parts of (indiscernible).

16 It was the first time I had any direct  
17 experience of Somali. There's a major Somali  
18 community in San Diego Unified that I had no  
19 perspective on whatsoever. And there's actually a  
20 charger school that caters predominantly to Somali  
21 people. And in my work with Prop 39, which I  
22 mentioned earlier on, I, for the first time,  
23 learned how you deal with a very different  
24 community that have different customs, and even  
25 down to things like you do not shake the hand of

1 the female people on the school team, that's just a  
2 taboo. You learn things like that. So you do  
3 learn those different cultural traits in a district  
4 as diverse as San Diego Unified.

5 I can't remember the -- do you want to  
6 repeat your question? I'm not sure if I've  
7 answered it completely. But the experience I had  
8 was to going out to very different communities.  
9 You start to learn their customs and cultures. And  
10 I think that makes your likelihood of you coming up  
11 with an all-around proposal that much better if you  
12 can engage with them and understand where they're  
13 coming from.

14 PANEL MEMBER COE: I have a similar  
15 question but more geared towards different areas in  
16 the state. And you mentioned having gone to Modoc  
17 County. And I'm curious if you can tell us a  
18 little bit about your experiences in other regions  
19 of California, what you've learned about the people  
20 in those regions, their preferences, their concerns  
21 that could be different by geography --

22 MR. MACPHAIL: Right.

23 PANEL MEMBER COE: -- and what you've  
24 learned from those people in different parts of the  
25 state that would make you an effective

1 representative for them on this Commission?

2 MR. MACPHAIL: I would say, you know, the  
3 Modoc example was the most radically different  
4 community I've been to. You know, most of my life  
5 has been in Southern California, the coast. Most  
6 of the people and friends I know are on a coastal  
7 urban environment. That's, you know, that's --  
8 there's no way around it, that's what I know.  
9 Visiting Modoc and working with people, I was up  
10 there for a whole week, really opened my eyes to a  
11 very different California. You know, obviously,  
12 predominantly agrarian, different politically,  
13 different concerns. That was very useful to give  
14 me another insight into the huge diversity of the  
15 state.

16 I haven't done a lot of -- you know,  
17 obviously, working for a school district, you're  
18 going to be stuck in your school district. You  
19 know, I've traveled for pleasure in other parts of  
20 the state but I haven't had, you know, a direct  
21 community outreach-type experience with other parts  
22 of the state.

23 But, you know, I mentioned, I think, in my  
24 application, it was fun to be in Modoc because it  
25 did remind me, in some aspects, of my home part of

1 the country, back home in Scotland. I come from  
2 the far north of Scotland, which is very rural,  
3 very sparsely populated. Go back a couple of  
4 generations to my family and we're, you know, we're  
5 poor crofters, which is a small farm, tenant  
6 farmers, so I, you know, I have that background in  
7 my own life. And a lot of my career is, obviously,  
8 not (indiscernible) different but some similarities  
9 to remember my own life. It was very useful.

10 PANEL MEMBER COE: Okay. Thank you.

11 So I want to talk a little bit about your  
12 educational background and your professional  
13 background in geography and your work experience,  
14 specifically with GIS software and analyzing data  
15 spatially.

16 Since you have, obviously, a lot of  
17 experience and expertise with this, how would you  
18 work with your fellow Commissioners, and perhaps  
19 members of the public even, who may not be as  
20 technically savvy with such data and tools?

21 MR. MACPHAIL: Right. This was something  
22 I had to do a lot in my work for the school  
23 district. I was going out to communities that  
24 weren't GIS experts, that weren't population  
25 experts. And the great thing about a GIS is it can



1 be interactive and live, so you can talk -- you can  
2 show people what you're talking about.

3           In our particular case in (indiscernible)  
4 maybe try to expand it to the Commission statewide.  
5 You know, we had student data that was in the  
6 computer mapping system so that you had individual  
7 dots representing our students and where they lived  
8 and you could show. And it was always a crowd  
9 pleaser that they got -- they understood what GIS  
10 is all about (indiscernible) without identifying  
11 anybody (indiscernible) the students in a  
12 particular neighborhood. Here are all the students  
13 in North Park. And you could then say show me all  
14 the second grade African American students who live  
15 in North Park and then little red dots would  
16 appear. And you could draw, you could show  
17 interactively and live, just draw, electronically,  
18 a boundary and it would -- you could show the  
19 people, okay, I've just identified 15 African  
20 American second grade kids in this area.

21           So one way to explain GIS, I think, to  
22 people is to show it live to show the power of it.  
23 What's the data in there? And also, as I said, it  
24 also gives people, I think, a trust level that this  
25 is real data. This is not black box stuff.

1           The presentation that you got from the GIS  
2 expert in your training showed you how moving, I  
3 think it was census tracts, or maybe blocs or bloc  
4 groups, I think, were being moved, what was the  
5 impact of that? That it would instantly show you  
6 the starting district has 1,000 people in it. What  
7 about we add in these six census tracts so that  
8 we're keeping a community of interest together?  
9 Well, that's going to increase the population to  
10 2,000. And now look at how the composition has  
11 changed.

12           I think showing the public live how things  
13 change will, hopefully, engender some confidence  
14 and trust in what you're doing and I think that's  
15 useful.

16           PANEL MEMBER COE: Thank you.

17           MS. PELLMAN: You have five minutes  
18 remaining.

19           PANEL MEMBER COE: Thank you, Madam  
20 Secretary.

21           Mr. MacPhail, I just have one final  
22 question for you. If you were to be appointed to  
23 the Commission, I think I know the answer to the  
24 first part here, but which aspects of that role do  
25 you think that you would enjoy the most and,

1 conversely, which aspects of that role do you think  
2 you might perhaps struggle with a little bit?

3 MR. MACPHAIL: Well, I think I might like  
4 the mapping part of this job. You may have  
5 detected that from the answers so far. I love it.  
6 You know, since I was kid, I loved maps. And I  
7 would love -- you know, I don't quite know how the  
8 Commission will organize itself but I think I've  
9 heard in the past that maybe they had subgroups.  
10 And I would fight to be on that, on the subgroup  
11 that works with the consultant to redraw the  
12 boundaries because I have a real passion and  
13 interest in that.

14 You know, I don't think I really would  
15 loathe or be worried about any particular aspect of  
16 the job of the Commission. As I've mentioned  
17 before, going out to public meetings can be  
18 challenging at times, they can be very tense, but  
19 I've done it. Would I say it's my favorite thing?  
20 Probably not, especially if it's going to be a  
21 really controversial issue. You know, it's no fun  
22 going out to communities and telling them, we're  
23 going to close your school. That's hard but it's  
24 part of the job and I understand that.

25 I think that our public outreach that we

1 would be doing would, hopefully, not be that  
2 emotionally charged. I mean, if we're losing a  
3 congressional district, then it could become  
4 emotionally changed. But I don't think I have a  
5 lot of fear of that because that's how the census  
6 data crumbles. If we lose population and other  
7 parts of the country gain population, there's only  
8 going to be 435 congressional seats, some are --  
9 and it's not going to increase. And if it means we  
10 lose one, so be it.

11           And we have to then go to communities in  
12 California and say the National Census has worked  
13 out in such a way that we're going to lose a seat.  
14 So our mission is to look at how we can redraw  
15 things to lose that seat. Sorry, that's where we  
16 are. Let's make the best of it. I wouldn't enjoy  
17 that but I understand that's part of the job and  
18 I'd be comfortable doing it.

19           PANEL MEMBER COE: Okay. Thank you.

20           No further questions at this time, Madam  
21 Chair.

22           MR. MACPHAIL: Thank you.

23           CHAIR DICKISON: Thank you, Mr. Coe.

24           I'm going to turn the time now over to Mr.  
25 Dawson.

1 MR. DAWSON: Thank you, Madam Chair.

2 Thank you once again for being here, Mr.  
3 MacPhail. I wanted to follow up, just where you  
4 were going with Mr. Coe, thinking back to your  
5 answer on, I don't remember which of the standard  
6 questions, but we talked about the impact that the  
7 COVID-19 situation has on the collection of census  
8 data. Now, obviously, some groups are going to be  
9 more disproportionately affected. Traditionally,  
10 it's been immigrant -- recent immigrant groups and  
11 the homeless and --

12 MR. MACPHAIL: Yeah.

13 MR. DAWSON: -- you know, folks like that,  
14 marginalized communities.

15 MR. MACPHAIL: Yes.

16 MR. DAWSON: And these effects are not  
17 evenly spread across the state or across the  
18 country.

19 Is it possible or does it give you any  
20 concern that California might miss even more folks  
21 than, let's say, Tennessee or Kentucky because --

22 MR. MACPHAIL: Right.

23 MR. DAWSON: -- we have more immigrants,  
24 we have more homeless folks?

25 MR. MACPHAIL: Yeah. I think that is a

1 very valid concern. Our particular demographics  
2 probably lend themselves to missing communities  
3 that could severely impact us and maybe even cause  
4 us to lose two seats, who knows? That  
5 is -- that's a huge concern. Are there other parts  
6 of the country more monoethnic, more -- you know,  
7 less in migration, not so much mobility. All those  
8 factors are at large in California, obviously. And  
9 I think it would lend itself to be, potentially, a  
10 problem.

11           As you said, it's always a problem. Every  
12 census, counting the homeless is a big problem. In  
13 our city, you know, we -- there's a day every year  
14 where they do an informal homeless census. People,  
15 politicians, go out onto the streets to count  
16 homeless people. And, you know, the census itself,  
17 in normal times, I was mentioning how I know some  
18 people who wanted to be enumerators. And they were  
19 all set to do their training and training is on  
20 hold and I have no idea what that means or how  
21 they're going to do their job after this.

22           We're still in lockdown. I think I just  
23 saw a news report today. They're saying it's  
24 pretty likely we'll be in a lockdown in May, as  
25 well, and they might not even get into June. And

1 how do you go out, even just to knock the doors of,  
2 quote unquote, "regular folk," to make sure that  
3 they've sent in their census form, let alone  
4 homeless people? It's a huge concern and I think  
5 it would impact significantly more than other  
6 places.

7           Would the Census Bureau make some kind of  
8 statistical adjustment if, you know, if things are  
9 really badly off? I'm not an expert on the census  
10 so I don't know but I'm sure I know that they do  
11 make statistical adjustments. But if you're making  
12 significant statistical adjustments, more than  
13 you've done in the past, that does lend credibility  
14 issues to the data that some people might challenge  
15 but it might be necessary. This is a very unique  
16 year and it may, unfortunately, be necessary to do  
17 things like that.

18           MR. DAWSON: So given your technical  
19 expertise, assuming that you were chosen on the  
20 Commission, is that something that you could help  
21 your fellow Commissioner understand and also,  
22 maybe, the public understand how this statistical  
23 truing up works?

24           MR. MACPHAIL: Yeah, you know, I'm not a  
25 statistician. I wouldn't know -- I wouldn't be

1 able to go into the guts too much of what the  
2 census is doing. But, you know, I think my  
3 background in presenting demographic concepts to  
4 communities that are not familiar with them would  
5 be useful in explaining data problems and how we've  
6 ended up with the data that we have. I think that  
7 would be something I could make a good run at with  
8 my own -- with fellow Commissioners and then with  
9 the community at large, yes.

10 MR. DAWSON: Okay. Thank you.

11 When you were describing your work during  
12 public meetings for the SDUSD redistricting, how  
13 many of those meetings did you do?

14 MR. MACPHAIL: We had a total of, I think  
15 it was three public meetings. I mentioned early on  
16 that -- (coughs) excuse me -- that the changes were  
17 not dramatic. There had not been huge population  
18 shifts, so we only had to change, in a relatively  
19 minor way, four of the five district boundaries.  
20 So I think we had three public meetings. We had  
21 some internal meetings at first with the committee,  
22 just to do some basic scenarios, so that then we  
23 could go out to the communities to show, first of  
24 all, as I mentioned, why are we doing this? And  
25 here's some initial ideas that we've had. What do



1 you think about those ideas? And then gather the  
2 input.

3           So I think we had three of those meetings  
4 and we got input about -- you know, someone asked  
5 us at the community meeting, "Why can't you just  
6 draw our trustee boundaries to correspond to our  
7 high school future patterns? Why can't we have  
8 University City High and Claremont High as one of  
9 the trustee districts?" I'm just making up ideas  
10 there. And what you could do, as I mentioned, the  
11 beauty of GIS is that, okay, if we used our high  
12 school cluster boundaries to draw five districts,  
13 this is what you get. And we were able to show  
14 people, you'd be way out of whack in terms of the  
15 variance because some of our high school clusters  
16 are very densely populated and others are not so  
17 densely populated.

18           So you could -- it was a perfectly valid  
19 perspective to have and a very sensible perspective  
20 to have. Wouldn't it be good if your school board  
21 member was responsible for a particular group of  
22 schools altogether? That would be the ideal but the  
23 population distribution doesn't work that way and  
24 you were able to show that line.

25           So we, you know, we had, I think, about

1 three meetings where we were able to do those sorts  
2 of inputs.

3 MR. DAWSON: So I'm just curious how many  
4 residents are in SDUSD? And does that compare to  
5 an assembly district or a congressional district?

6 MR. MACPHAIL: Well, the -- I'm more  
7 familiar with the student population than the total  
8 population of San Diego Unified because  
9 I -- that was what my data was. I was always  
10 working with the student data. As I mentioned,  
11 there's approximately, or there was, approximately  
12 130,000 students in San Diego Unified. San Diego  
13 Unified does not correspond perfectly to the City  
14 of San Diego. It's smaller than the City of San  
15 Diego. So it's a big diverse district.

16 MR. DAWSON: So I appreciate your  
17 perspective of doing these public meetings. But  
18 now we're talking about, on the Commission,  
19 hundreds of cities, thousands of communities.

20 MR. MACPHAIL: Yes.

21 MR. DAWSON: Is this scalable?

22 MR. MACPHAIL: Well, that --

23 MR. DAWSON: And, if so, how would you get  
24 your arms around that?

25 MR. MACPHAIL: Right. I mean, that's

1 something I've thought about. You cannot do the  
2 kind of very intimate outreach that I was able to  
3 do in even a big school district, like San Diego  
4 Unified. I'm not clear on how -- you know, what's  
5 the budget of the Commission to go out and do  
6 public outreach? And what are the resources at our  
7 disposal? Do we have to -- do we get to hire or  
8 can we use state resources in terms of community  
9 relations, ways of reaching out to communities? Do  
10 they have lists that we can use to identify  
11 communities to go to? Do we hire someone to do  
12 that? I don't know what our staffing budget is. I  
13 know that we'd be hiring a GIS person but I'm  
14 unclear as to what our staffing resources would be.  
15 They're not going to be big, obviously. They're  
16 not going to be big enough to do the intimate level  
17 of meetings I've suggested.

18 I would probably -- I would really like,  
19 and I actually emailed, I think, your group asking,  
20 was there exit interview report with the previous  
21 Commission? Did they identify things that they  
22 wished they could have done differently? I think  
23 that would be tremendously useful to the new  
24 Commission. And what sort of community outreach  
25 did they do? How many meetings did they have? How

1 interactive was it? You know, I wish I could see  
2 how they did it because it would really inform the  
3 sort of answer I can give you about what scale we  
4 have to do those sorts of outreach.

5 MR. DAWSON: All right. Thank you.

6 So we talked a bit about your perspective  
7 as a geographer. We talked a bit about your  
8 perspective as an immigrant to the state and this  
9 country.

10 So my question then to you is about your  
11 identity as a San Diegan and what perspective from  
12 that part of the state the Commission could benefit  
13 from?

14 MS. PELLMAN: Time check. We have four  
15 minutes, fifteen seconds of the ninety minutes  
16 remaining.

17 MR. DAWSON: Thank you.

18 MR. MACPHAIL: Well, you know, I know,  
19 obviously, as I said before, a 14-member Commission  
20 is not going to be able to fully represent every  
21 aspect of this huge state.

22 Having said that, you know, San Diego is  
23 the, yeah, it's the second largest city in the  
24 state. And I think it would be important to have  
25 that sort of representation there.

1           I think what San Diego brings to the table  
2 is that it's a good size city. It has diversity  
3 within it. And I think that's an important thing  
4 to bring to the Commission.

5 It's -- I mean, I guess L.A. does as well. But  
6 there's a lot of things in microcosm within San  
7 Diego County in particular, not so much the city,  
8 that the county in microcosm is a lot like the  
9 state. The eastern part of San Diego County is  
10 like the interior parts of the state. It's  
11 beautiful out there. We have desert. We have  
12 farming communities in the eastern part of the  
13 state. Then we have diverse communities in the  
14 urban western parts of the state.

15           So, you know, I think it might -- more  
16 than L.A. County, I think we're more of a microcosm  
17 for the state, so we should have some  
18 representation on the Commission.

19           MR. DAWSON: Thank you. I have no further  
20 follow-ups.

21           If any of the Panel members have any  
22 further?

23           CHAIR DICKISON: I do not have any follow-  
24 ups.

25           Mr. Belnap?

1 PANEL MEMBER BELNAP: I do not either.

2 CHAIR DICKISON: Mr. Coe?

3 PANEL MEMBER COE: No follow-up questions.

4 MR. DAWSON: Thank you.

5 Madam Secretary, how much time is left?

6 MS. PELLMAN: Two minutes, twenty-five  
7 seconds.

8 MR. DAWSON: Thank you.

9 Mr. MacPhail, with the time remaining, I  
10 would like to offer you the opportunity to make a  
11 closing statement to the Panel, if you wish.

12 MR. MACPHAIL: Well, I guess first of all,  
13 I'd like to thank you all for working in these  
14 really hard times to keep the process going. And I  
15 hope you're all doing okay in these strange times.  
16 You know, we're all dealing with it in our own  
17 ways. My niece had the coronavirus and she's doing  
18 okay. She works for the National Health Service  
19 back home but she's over the worst, so I hope  
20 everyone is doing okay.

21 So that's all I'll say.

22 CHAIR DICKISON: Okay. Thank you. Thank  
23 you for speaking with us today.

24 Our next interview is at 1:15, so we will  
25 recess now until 1:14.

1 (Thereupon the Panel recessed at 12:13 p.m.)

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16 1:14 p.m.

17 CHAIR DICKISON: Okay, calling the  
18 Applicant Review Panel meeting back to order.

19 I'd like to welcome Ms. Debora Gloria for  
20 her interview.

21 Good afternoon, Ms. Gloria.

22 MS. GLORIA: Good afternoon.

23 CHAIR DICKISON: We're going to turn it  
24 right over to Mr. Chris Dawson to read you the five  
25 standard questions.

1 MR. DAWSON: Thank you, Madam Chair.

2 Ms. Gloria, I'm going to ask you five  
3 standard questions that the Applicant Review Panel  
4 has requested each applicant respond to. Are you  
5 ready?

6 MS. GLORIA: Yes, I am.

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

15 MS. GLORIA: Well, first of all, I wanted  
16 to say thank you for including me. It's been an  
17 honor to be selected to be interviewed because I  
18 feel that the Commission has an important role to  
19 play in maintaining democracy.

20 The Commission's role to draw four  
21 district maps within a year seems to me like a huge  
22 challenge. Not only is there a lot to consider in  
23 a short amount of time but the public needs to have  
24 confidence in the Commission's decisions in order  
25 for the Commission to maintain its credibility and



1 its longevity.

2           So collectively the Commission needs to  
3 have public skills that it has to represent itself  
4 to the public, and then skills from within the  
5 group. Public skills would be its ability to  
6 project credibility. And that would mean that it  
7 would need to appear impartial and independent and  
8 have a sense of authority.

9           In the beginning, it would be a matter of  
10 having effective outreach, so the ability to  
11 communicate purpose, to welcome public input, and  
12 be clear about when and where the meetings take  
13 place. And then once those meetings take place it  
14 would be a matter of running effective meetings and  
15 helping the public feel confident about the  
16 Commission. That would include signaling listening  
17 during meetings, asking questions, repeating  
18 concerns of the public. And then, finally, to  
19 produce decisions that can be supported by fact,  
20 reason and legality, and then to communications are  
21 fair.

22           And then there are skills that the group  
23 as -- internally need to have and those would be  
24 more having to do with needing to work through  
25 tasks and issues. So things like cooperation,

1 respect, teamwork, a diversity of personalities and  
2 backgrounds to -- so that -- and the ability for  
3 each of the Commissioners to recognize each own --  
4 their own and other strengths, and the necessity to  
5 have all voices to be heard and welcomed. So good  
6 communication among the Commissioners really needs  
7 to be encouraged for it to function as a whole.

8           So as for each of the Commissioners, for  
9 your part B of your question, each of the  
10 Commissioners I see as needing to have four  
11 different categories of skills and competencies,  
12 technical skills, analytical skills, communication  
13 skills, and practical skills.

14           For the technical skills, this would be  
15 for information gathering mostly. And it would be  
16 especially for comprehending legal principles,  
17 understanding the law, comprehending the data and  
18 the technical writing that comes with it, and then  
19 understanding statistical information.

20           The analytical skills involve individual  
21 judgment, understanding, and impartiality. And  
22 those include critical listening, knowing how to  
23 distinguish facts from opinion, relevance, and  
24 knowing how to distinguish the relevance of facts  
25 and other information, prioritizing competing

1 arguments, evaluating the credibility of those  
2 arguments, and recognizing the importance of legal  
3 standards.

4           Then there's also the ability to resolve  
5 complex problems, to evaluate ambiguities that  
6 might be involved in those problems. But, also,  
7 it's really important for each of the Commissioners  
8 to understand their personal bias in order to make  
9 these judgments.

10           As far as the communication skills go,  
11 this is really important for group decision making.  
12 I feel that empathetic listening to understand each  
13 other's points of view and the points of view of  
14 the public is really important because it helps you  
15 -- it helps the Commissioners see things beyond  
16 their own vision.

17           And then the ability to discuss and  
18 negotiate and clearly articulate each of their  
19 thoughts and reasoning, either through writing or  
20 discussion, and not to be afraid to state their  
21 opinions and to hear others, so the ability to be  
22 open. And that would also include encouraging  
23 other people's points of view to promote  
24 discussion.

25           And then the practical skills would be

1 things like organization and timeliness, the  
2 ability to meet schedules, and to, for  
3 organization, to maintain the clarity of tasks and  
4 information.

5           So these are four categories I think the  
6 different Commissioners should have. But I think  
7 there's going to be different strengths and skills  
8 that each of the Commissioners bring to the table  
9 which is really important for seeing the issues  
10 that will be faced in different lights.

11           So as far as my skills are concerned, I  
12 feel like I'm a really good listener. As my work  
13 as an architect, I -- my work includes listening to  
14 clients every day to get to their goals and to even  
15 uncover goals that they didn't realize that they  
16 had. And then using -- getting those goals and  
17 then using my analytical skills to assess whether  
18 the designs that we come up with meet the  
19 constraints of those goals or meet the constraints  
20 of the Building Code. And so there's going to --  
21 so it requires looking at competing priorities to  
22 meet the final needs of the client.

23           And all of this requires good  
24 communication skills. And the communication skills  
25 are needed to help us resolve issues in a timely

1 way so that we communicate early and well so that  
2 people understand issues. And then collaborating  
3 with others, working with my project teams and  
4 knowing their capabilities. And within that there  
5 is a sense of impartiality that I must bring to  
6 each project because I want to do what's best for  
7 the project. And sometimes the solutions that we  
8 arrive at may not be my favorite choices but they  
9 meet the client's needs and maybe the needs of the  
10 Building Code and the city really well, so  
11 impartiality is -- comes into play.

12           So each Commissioner will have his or her  
13 own strength and skills. And each is needed to  
14 provide a perspective for effective problem  
15 solving. But they also need to at least have good  
16 technical, analytical, practical, and communication  
17 skills. And I feel that this will support the  
18 Commission's effectiveness within itself as a group  
19 and as a face to the public.

20           MR. DAWSON: Question two: Work on the  
21 Commission requires members of different political  
22 backgrounds to work together. Since the 2010  
23 Commission was selected and formed, the American  
24 political conversation has become increasingly  
25 polarized, whether in the press, on social media,

1 and even in our own families.

2           What characteristics do you possess and  
3 what characteristics should your fellow  
4 Commissioners possess that will protect against  
5 hyper-partisanship? What will you do to ensure  
6 that the work of the Commission is not seen as  
7 polarized or hyper-partisan and avoid perceptions  
8 of political bias and conflict?

9           MS. GLORIA: I think the characteristics  
10 to protect against hyper-partisanship first start  
11 with a willingness for introspection. For me, I  
12 use introspection to question my own assumptions  
13 and, too, just to make sure that I'm on the right  
14 track. And with that there needs to be a  
15 willingness for openness for diverse viewpoints  
16 because diverse viewpoints help me put my  
17 assumptions, again, into perspective. But it also  
18 gives me clues to why they might be right or wrong.  
19 It helps me see blind spots that I might have.

20           And then with that, the willingness to  
21 apply critical thinking versus jumping to  
22 conclusions, in other words, asking questions for  
23 clarification. And also asking questions to  
24 uncover possibilities.

25           So those are things that help to clarify

1 my position against others.

2           And then, with other points of view,  
3 empathy is needed to understand other points of  
4 view and then maybe find out the reasons for those  
5 viewpoints, because using empathy, you can see  
6 where solutions need to go beyond what you might  
7 think they might be.

8           And then the other -- one other attribute  
9 that we might be able to find from listening to  
10 others is that there might be unstated goals.  
11 Sometimes figuring out goals are not -- it's not a  
12 clear path and so they're not always articulated.  
13 And it's always good to have an open mind that  
14 we'll -- that we need to find the true goals of  
15 people when they -- because they might be able to -  
16 - might not be able to articulate all their needs,  
17 their fears and their hopes. So flexibility of  
18 thought, basically, is important to avoid hyper-  
19 partisanship because rigidity locks us in and keeps  
20 us from seeing a broader picture.

21           So in order to avoid that, I feel like the  
22 first step is to be aware of our own biases and how  
23 they affect our judgment. Communicating,  
24 listening, is a way to project this, project an  
25 impartiality, communicate listening, communicate

1 openness, welcome comments to the public at public  
2 hearings, and in written documents by reiterating  
3 what was said and asking questions, and avoiding  
4 showing personal preferences and pitting one side  
5 against the other.

6           There has to be a striving to be aware of  
7 winning versus problem solving, so that winning  
8 doesn't become the goal but problem solving does,  
9 and that requires compromise.

10           So -- and then also try to resolve  
11 conflicts rather than let them sit because  
12 conflicts only get worse with time. And being  
13 effective at resolving conflicts helps you move  
14 forward.

15           And then to strive to maintain a clarity  
16 of mission, remembering that the role of the  
17 Commission is to counteract hyper-partisanship. So  
18 keeping that in mind keeps you on the straight  
19 path.

20           I believe that communications from the  
21 Commission, both verbal and written, should have  
22 references based in fact and justified by the  
23 standards and the law, by standards of the law.  
24 And the facts and the law will be powerful tools  
25 for the Commission's impartial decision making.



1           So it seems to me that the best way to  
2 mitigate hyper-partisanship is to be aware of our  
3 own biases, to be open to others to fill in the  
4 gaps of our understanding, and to remember the goal  
5 of the Commission.

6           And for me to help the Commission protect  
7 its impartiality, it seems it's by demonstrating to  
8 the public that it has been heard and projecting  
9 openness. And then justifying decisions with facts  
10 and the law.

11           MR. DAWSON: Okay.

12           MS. PELLMAN: Quick time check. We have  
13 15 minutes, 35 seconds remaining.

14           MR. DAWSON: Thank you.

15           MS. GLORIA: Thanks.

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

20           MS. GLORIA: For me, it seems the largest  
21 problem is finding the balance points among  
22 competing interests. I've heard it said that we  
23 could have a computer draw our district lines but  
24 the concerns of the public are part of the process.  
25 There could be instances where drawing lines might

1 end up being fair for one group and then unfair for  
2 another, so -- and the Commission won't be able to  
3 please everyone. So the goal that interest groups  
4 be kept in whole requires a delicate balance.

5           So how do we figure out what's fair when  
6 there's winners and losers? And are we meeting the  
7 intent of the law? Do we -- how do we justify the  
8 decisions? Do the facts hold up? Are our  
9 priorities right?

10           So although some groups might be louder  
11 than others, determining the districts will come  
12 down to the Commission's ability to apply the law,  
13 apply facts and a sense of fairness to its  
14 decisions. And I don't think there's every going  
15 to be right answers because those solutions may not  
16 please everyone.

17           On top of that, there's a timeline.  
18 This -- we only have a year to create four maps.  
19 So how do you move forward when there's a difficult  
20 problem? Our analytical skills will become  
21 important. And open honest discussion among  
22 members will be important. But then when it comes  
23 down to it, decision making is an art. What does  
24 that little voice in the back of your head say the  
25 right thing to do is and how to be impartial rather

1 than what we want the answers to be? So, finally,  
2 there will come a point when decisions need to be  
3 made and we just need to move forward.

4           So, for me, the most daunting problem is  
5 figuring out the solutions for gray areas in a  
6 really short amount of time. But I believe those  
7 decision will come down to a couple questions of  
8 intent of the law, and then can the decision be  
9 justified? And the Commission can answer these  
10 questions by applying the law, by applying the  
11 relevant facts, and evaluating the public's  
12 concerns. There's no right answers but at least  
13 the Commission can come close to the best  
14 solutions.

15           MR. DAWSON: Thank you.

16           Question four: If you are selected you  
17 will be one of 14 members of the Commission which  
18 is charged with working together to create maps of  
19 the new districts.

20           Please describe a situation where you had  
21 to work collaboratively with others on a project to  
22 achieve a common goal. Tell us the goal of the  
23 project, what your role in the group was, and how  
24 the group worked through any conflicts that arose?  
25 What lessons would you take from this group

1 experience to the Commission, if selected?

2 MS. GLORIA: Well, my work as an architect  
3 is all about teamwork. We work with the owner,  
4 contractor, consultants, and other designers,  
5 sometimes. And the goal is to make a building that  
6 meets the goals of the client and to meet the code  
7 requirements of the city and the state. The cities  
8 and state, the code requirements are usually safety  
9 oriented, but they also have to do with zoning  
10 issues dealing with the character of the community.

11 Recently, I worked on a project to add a  
12 second story to an existing garage. And we ran  
13 into an issue where there was a gray area with the  
14 building inspector. The walls of the garage needed  
15 to be reinforced to add the second story but,  
16 because of termite damage, a lot of the framing had  
17 to be replaced. So the contractor had left most of  
18 the old lumber but there was a lot of new lumber  
19 too. And when the walls are considered new the  
20 code says that they need to follow different  
21 requirements than existing walls for distances from  
22 the lot line.

23 So if the inspector says that the walls  
24 were new, then they would have to be rebuilt in a  
25 different location. Unfortunately, the code is

1 vague about what a new wall is. So when the  
2 inspector came out he kind of understood that.

3           But a little background here. There was a  
4 neighbor who wasn't really happy with the  
5 construction and who was always contacting the  
6 inspector about any issues that he thought was  
7 suspect. So the inspector was very careful to make  
8 sure all his approvals were well substantiated. So  
9 if there was a question of whether the walls were  
10 new or old, he wanted to err on the side of  
11 caution, but this had big consequences for the  
12 owner.

13           So at first he said that he thought that  
14 the walls were new. But the issue of whether the  
15 walls were new versus old presented a set of  
16 conflicting interests. The owner wanted the  
17 inspector to say that the walls were existing so  
18 they wouldn't have to pay to move the garage. The  
19 neighbor had an interest in saying that the walls  
20 were new, possibly to stop the project. The  
21 contractor wanted the walls to remain because it  
22 would slow his schedule. The building inspector  
23 wanted to be sure he could justify his decision to  
24 the neighbor and, possibly, in court if the  
25 neighbor had sued. And it was my job to

1 communicate with the owner, the contractor and the  
2 inspector to understand how to resolve the issues  
3 so that everyone would be comfortable with the  
4 decision.

5           And after a lot of back and forth, there  
6 were a lot of iterations of the solution with the  
7 inspector and the building department, the  
8 inspector finally called in his supervisor. And  
9 after the supervisor saw the garage, he determined  
10 that the code intent was met because the walls  
11 could not possibly have been reinforced safely  
12 without all the new lumber.

13           In addition, we had photos of the garage  
14 during construction and reports from other  
15 inspectors who had seen that the garage were  
16 maintained when they had checked other work on the  
17 site.

18           So in the end the supervisor deemed that  
19 the walls were existing.

20           But it became clear toward the end of the  
21 process that the main issue was to determine  
22 whether the intent of the code was met and how the  
23 building inspector could justify that the code was  
24 followed. The owner and the contractor were happy  
25 for obvious reasons. The inspector was comfortable

1 because he was able to justify his approval. And  
2 then the neighbor would accept the decision because  
3 there was documentation to support it. So we were  
4 able to find a solution that was acceptable to  
5 everyone.

6           So the lesson learned was that when an  
7 issue is unclear, resolution is a process. And  
8 sometimes it takes a lot of iterations of solutions  
9 and a lot of discussion among parties to get to the  
10 core of the problem.

11           And in this case there was a gray area  
12 that we had to go through with the inspector to  
13 find out what the core issue was and that, the core  
14 issue, was the intent of the code being met, and  
15 then how to resolve it so that the inspector was  
16 comfortable? What do we do to substantiate that?

17           I feel that the Commission will encounter  
18 a lot of unclear gray areas. It will need to  
19 utilize an iterative process that takes advantage  
20 of its diverse viewpoints to be able to see many  
21 angles. And so minimizing the blind spots will  
22 help the Commission make decisions that minimize  
23 imbalances. There's no right answers, as I said  
24 before, but the Commission can take measures to get  
25 a balanced answer.

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

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

14           MS. GLORIA: Well, as an architect, I work  
15 with people from many backgrounds. My clients have  
16 ranged from -- I've worked with companies that have  
17 clients that range from the upper one percent of  
18 the socioeconomic scale building mega mansions to  
19 blue collar workers in my own work, converting a  
20 patio to a living room, say, or doing a bathroom  
21 remodel. And coordinating -- but coordinating with  
22 clients, consultants and contractors, who have  
23 varying abilities, expertise, personalities and  
24 interests, is part of my job. So finding common  
25 ground is what I find gets the job done.



1           However, these experiences are all  
2 professional. But what's really given me  
3 perspective on various backgrounds is my own  
4 family.

5           I come from a middle-class family in L.A.  
6 suburb. I grew up in the '60s when the aerospace  
7 and aeronautical industry was a big economic driver  
8 in the region. My dad, who's from the Philippines,  
9 was an aeronautical engineer. And the kids I grew  
10 up with in school were from families whose fathers  
11 were engineers or were associated with the  
12 aeronautic industry in one way or another, so we  
13 all had a common background, ideals and goals. And  
14 I've pretty much lived in that environment most of  
15 my life.

16           But my mom is from Texas. And I said my  
17 dad was from the Philippines but I didn't see much  
18 of his relatives on that side, but we did visit my  
19 mom's family every summer when we were kids in the  
20 '60s and '70s. And my mom is from a small town  
21 called Laredo in south Texas where families are  
22 raised with a lot less education and income and  
23 mostly stay where they grew up. So when we visited  
24 them, I got to experience their lifestyle and what  
25 it's like to live in a border town with Mexico.

1 Back then the streets were still unpaved and it was  
2 a really small town. It's grown a bit since then.  
3 And the town is still -- was and still is mostly  
4 Mexican American with the majority of who are poor.

5 In the '60s and '70s the job opportunities  
6 were pretty limited. And my mom's family was  
7 pretty typical. My grandmother cleaned houses to  
8 support her family. My uncle worked maintaining  
9 the local water treatment plant. And my aunt, whose  
10 husband had died, had to rely on government  
11 assistance to raise her family. One uncle did own  
12 his own business and managed to earn a middle-  
13 income lifestyle but it was pretty modest.

14 So, as a result, my mom's family didn't  
15 have a lot of disposable income and college was out  
16 of reach for my cousins. So instead, they ended up  
17 focusing on their families and finding a decent  
18 job, which meant dealing with the dynamics of a  
19 close-knit community, and then just getting by.  
20 But even though my cousins weren't economically  
21 comfortable, they were, they are really good, happy  
22 people, I mean, generally speaking. They've shown  
23 me that how we treat each other is really important  
24 for a good quality of life and that a strong  
25 community helps them to be resilient.

1           Unfortunately, as my mom used to tell me,  
2 their community has experienced a lot of  
3 discrimination and that those in power don't really  
4 hear their voices. So, as a result, they're not  
5 very engaged in the political process.

6           And visiting them every summer reminded me  
7 how much luck and opportunity determines where we  
8 are. Sure, hard work is needed to get ahead, but  
9 opportunities need to be there and my cousins  
10 didn't have many.

11           So my hope is that the work of the  
12 Commission is to help address some of these  
13 inequities by helping us choose policymakers who  
14 hear us. I feel like the goal of the Commission is  
15 to make sure that all communities are properly and  
16 fairly heard and represented. This is one of the  
17 largest motivations for me to apply to be on the  
18 Commission. And it's also because I could have the  
19 opportunities to use my skills to serve the public  
20 in a way that impacts many.

21           MR. DAWSON: Thank you.

22           We will now go to Panel questions. Each  
23 Panel member will have 20 minutes to ask his or her  
24 questions and we'll start with the Chair.

25           Ms. Dickison?

1 CHAIR DICKISON: Good afternoon, Ms.  
2 Gloria.

3 MS. GLORIA: Good afternoon.

4 CHAIR DICKISON: So when I was looking at  
5 your application, I found it interesting. So you  
6 got a bachelor's in chemistry and biology?

7 MS. GLORIA: That's right.

8 CHAIR DICKISON: And then you were working  
9 as a staff research associate?

10 MS. GLORIA: Yes.

11 CHAIR DICKISON: Okay. And you were  
12 working on infectious diseases?

13 MS. GLORIA: Correct.

14 CHAIR DICKISON: Okay. In doing that  
15 work, did you do any mapping or any of that kind of  
16 work when you were doing -- when you were a  
17 researcher?

18 MS. GLORIA: No. I was mostly a technical  
19 person so that I wasn't heading the research, I was  
20 supporting those who were doing the research. So  
21 there were doctorates -- doctorate fellows in the  
22 labs that I was working in. And they would set the  
23 agenda and I would implement the protocols needed  
24 to gather the data.

25 So I did help gather data but I didn't do

1 any mapmaking or anything like that.

2 CHAIR DICKISON: Okay. Thank you.

3 And then you later went on to get a  
4 master's in architecture. Why the change?

5 MS. GLORIA: Well, you know, I have -- as  
6 we all do when we're younger, we have ideals of  
7 changing the world. And my ideals were to do  
8 research but I quickly realized, after I started  
9 doing research, that I wasn't really that  
10 interested in reading the papers. But I also had a  
11 real desire to apply my artistic skills and  
12 creative skills that were more visual and, for a  
13 while, I didn't really know how to do that.

14 But I took a while to figure out that,  
15 actually, architecture was a really good way of  
16 mixing the technical and the creative, artistic  
17 creative because I do have a bent toward the  
18 technical. I mean, I really enjoy understanding  
19 how things work. And architecture gives me that  
20 opportunity to understand how buildings work. And  
21 it's just a really generalized kind of profession  
22 that gives me a broad point of view.

23 CHAIR DICKISON: Okay. And then -- so in  
24 your work as an architect, you talked about working  
25 with ordinances or, you know, Building Codes or

1 whatnot.

2 MS. GLORIA: Correct.

3 CHAIR DICKISON: Does that give you a  
4 perspective on neighborhoods?

5 MS. GLORIA: Yes, actually, it does. Some  
6 of the ordinances are geared toward preserving  
7 historic neighborhoods. And I've presented in  
8 front of historic preservation committees before  
9 and each one of them is different. It's  
10 interesting to see how these committees, who are  
11 made up of the neighbors in the -- people who live  
12 in the neighborhood, how they each take on their  
13 own interpretation of how the historic preservation  
14 should occur.

15 So, for example, one person on the  
16 Commission might say, "You know, you have to put  
17 back the same fence that was there to begin with."  
18 Another one might say, "Well, no, it's not  
19 necessarily -- the fence was not necessarily  
20 historic, it just needs to be in the vein of what  
21 was there." So there's -- it's open to  
22 interpretation and it's a matter of figuring out  
23 what the -- what each organization or neighborhood  
24 organization wants as a priority.

25 CHAIR DICKISON: Okay.

1 MS. GLORIA: So that's one way.

2 And then the other way is, you know, just  
3 even building around the city, you get a sense of  
4 what the different types of neighborhoods are  
5 within, at least, the Los Angeles area because it's  
6 so widespread that when you have clients in  
7 different areas, you get a good sense of where they  
8 are and what's going on in those areas.

9 CHAIR DICKISON: So with the skill set  
10 that you incorporate there, do you think you could  
11 translate that into the work of the Commission in  
12 trying to identify communities of interest and, if  
13 so, how?

14 MS. GLORIA: Yes, I do, because not  
15 only -- because I feel like working as an  
16 architect, I have the opportunity, actually, to  
17 speak with people from different neighborhoods.  
18 And so in doing so I sort of like learn what their  
19 priorities are. Like people from the -- that I was  
20 working with original on these really mega mansion  
21 projects, they have a real distinct set of needs  
22 versus somebody who I work with, say in the San  
23 Fernando Valley, who has a much more modest  
24 lifestyle and then just wants to get like an office  
25 built for himself or herself.

1           So just the opportunity to having worked  
2 with people in various communities, I think I can  
3 translate that into figuring out how these special  
4 -- these interests that they might have can be  
5 grouped together.

6           CHAIR DICKISON: How do you -- so in the  
7 various regions of the state, obviously, they might  
8 have different needs.

9           How do you -- what things do you think  
10 would contribute to the needs of a community based  
11 on its geography and how might that translate into  
12 voter preferences?

13           MS. GLORIA: I see. Well, the northern  
14 part of the state is -- I mean, there's -- okay.

15           So there's various parts of the state that  
16 are more populous than others. And just generally  
17 speaking, I feel that the more populous parts of  
18 the state tend to have a much more, I don't know,  
19 I'd say, I guess I'd say a liberal kind of bent,  
20 rather than the more -- less populous parts of the  
21 state. And I'm not sure why that is but -- and  
22 that's a very generalized statement.

23           However, so in the state, in the parts of  
24 the state that are more agricultural, I think the  
25 agricultural industry is really -- has a vested



1 interest in keeping its business going. And so,  
2 because it relies on the water in the state and the  
3 land that's there, I feel that they will advocate  
4 for things that will help maintain their business  
5 there. So that would be in the central part of the  
6 state and just along the agricultural regions. So  
7 I think water is a big issue there.

8           And then in the -- in like the northern  
9 parts of the state where it's a lot less populated,  
10 they're much more isolated. And I think that  
11 there's probably a much more independent streak  
12 there where they don't want to be in a city  
13 situation, so they'll want to maintain that.

14           And then in the cities, there's a greater  
15 sense of diversity in the cities. And so I think  
16 there's a much more openness to diverse people and  
17 cultures because we're so used to living next to  
18 each other. And I think that there's an acceptance  
19 of each community being so close to each other.

20           So every part of the state is going to be  
21 different.

22           CHAIR DICKISON: So in your impartiality  
23 essay, you put something in here, "Usually the most  
24 effective way to resolve an issue is to avoid  
25 placing blame and get directly to the solutions."

1 MS. GLORIA: Um-hmm.

2 CHAIR DICKISON: What steps can the  
3 Commission take to build a team atmosphere that  
4 gets directly to solutions?

5 MS. GLORIA: I think that being --  
6 openness to points -- to everybody's points of view  
7 and to encourage that is really important to open  
8 communication. I feel like the more people express  
9 their -- the issues that they see and express the  
10 solutions that they might see the more the  
11 Commission, as a whole, can see a broader range of  
12 -- well, basically, just a broader view. I think  
13 that even sometimes there might be somebody who  
14 might have an opinion or a solution that the others  
15 -- that everybody else may not think is correct.  
16 But on exploring that, I think questioning, like I  
17 said, questioning your own assumptions, but then  
18 also questioning to be able to uncover possible  
19 solutions, is really important. So questions  
20 become a really important part of the Commission's  
21 communication.

22 So just gathering as much information and  
23 opinion as possible is really important in  
24 understanding the problem and then being able to  
25 negotiate and compromise to get to a solution.

1 CHAIR DICKISON: Thank you.

2 In your essay on diversity, you were  
3 talking about housing discrimination. And you said  
4 you feel that it's still with us but that,  
5 currently, it's probably more the ability -- it's  
6 more related to economic status or ethnic diversity  
7 -- or ethnic identity. I'm sorry.

8 MS. GLORIA: Um-hmm.

9 CHAIR DICKISON: With that in mind, how  
10 much do you think economic status will affect the  
11 drawing of the district lines?

12 MS. GLORIA: Oh, well, that's -- I mean,  
13 economic status and diversity are really closely  
14 tied, I feel, and because I feel like economic  
15 status has a lot to do with discrimination and the  
16 fact that, historically, people have been  
17 discriminated against, so the opportunities are  
18 just not always there. So in a sense, I feel like  
19 economic status is going to drive a lot of the  
20 lines for the districts because, just over time,  
21 people have -- you know, we haven't completely  
22 eliminated our discrimination.

23 So as much as we can try to keep people  
24 together as far as ethnicity or a culture goes, I  
25 think people of the same ethnicity and culture are

1 going to have a similar economic status.

2 CHAIR DICKISON: Thank you.

3 MS. PELLMAN: We have six minutes, five  
4 seconds remaining.

5 CHAIR DICKISON: Thank you. Okay.

6 The way the regulation is set up,  
7 neighborhoods, cities, counties, and communities of  
8 interest are on the same priority level.

9 MS. GLORIA: Um-hmm.

10 CHAIR DICKISON: How should the Commission  
11 handle these areas in instance where they come in  
12 conflict with one another?

13 MS. GLORIA: Neighborhoods, communities,  
14 and what did you say?

15 CHAIR DICKISON: Cities and counties.

16 MS. GLORIA: Cities and Counties. And  
17 then you said communities of interest; correct?

18 CHAIR DICKISON: Yes.

19 MS. GLORIA: Well, since it is -- I  
20 believe that three of the maps are for voting  
21 district and the fourth one is for the Tax  
22 Administration. So for the voting districts, I  
23 would think that you would want to err on the side  
24 of keeping communities of interest together or  
25 whole so that you have a more -- so that that voice

1 could be a stronger voice, rather than splitting  
2 them up and splitting that voice up. I mean, so in  
3 a certain sense, the communities of interest are  
4 kind of vital to the voting, to the voice, the  
5 voting voice.

6 As far as the cities and neighborhoods and  
7 counties are concerned, I think there's -- there  
8 might a balance of sometimes you have to split up  
9 the interest groups so that the cities and counties  
10 can remain whole because of just logistical issues  
11 or even just the numbers, the population in each of  
12 those areas. So it would be a compromise that the  
13 Commissioner members would need to decide on.

14 CHAIR DICKISON: Thank you.

15 The first eight Commissioners are selected  
16 randomly and then they are tasked with selecting  
17 the next eight.

18 MS. GLORIA: Um-hmm.

19 CHAIR DICKISON: What qualities or  
20 qualifications or what -- I guess, what would you  
21 be looking for in those other six Commissioners if  
22 you were one of the first eight?

23 MS. GLORIA: I'd be looking for the  
24 qualifications of being able to handle the material  
25 that's presented before the Commission, like the

1 statistics, and understanding legal aspects.

2 But also, I think for me, what's really  
3 important is the ability to collaborate and have a  
4 sense of teamwork and, you know, being able to wear  
5 different hats and sort of like -- I mean, I guess  
6 what I'm trying to say is that in my work there's  
7 usually, like really, there's usually really  
8 distinct roles that each team member plays. But I  
9 think in the Commission what's going to happen is  
10 that the Commissioners are going to have similar  
11 roles but they're going to just have different  
12 skills. So we would have to be able to recognize  
13 each of our strengths and be able to work with  
14 others based on that.

15 So I think most of the applicants are  
16 probably really motivated and openminded people who  
17 want to fulfill the role of the Commission, which  
18 is impartiality. So I think that competence in the  
19 skills that you asked for as far as technical  
20 skills and analytical skills are something that I  
21 would look for.

22 CHAIR DICKISON: Thank you.

23 Can I get a time check?

24 MS. PELLMAN: Yes. One minute, twenty-  
25 five seconds.

1 CHAIR DICKISON: Okay. I don't have time  
2 for the final question.

3 MS. GLORIA: Okay.

4 CHAIR DICKISON: So I'm going to pass my  
5 time.

6 And Mr. Belnap?

7 PANEL MEMBER BELNAP: Good afternoon, Ms.  
8 Gloria. Thank you for being with us.

9 MS. GLORIA: Good afternoon.

10 PANEL MEMBER BELNAP: So I'd like you to  
11 explain how an architect has to exercise  
12 impartiality?

13 MS. GLORIA: Okay. So when I speak with  
14 the clients about their projects, they set out  
15 their goals. And a lot of times, as we're looking  
16 through -- we're going through the designs of the  
17 project and we're going through the goals, I might  
18 see something that I feel is important for the  
19 design of the project, either aesthetically or  
20 function-wise, but that client might not feel is  
21 that important.

22 So when that happens, I try to understand  
23 the underlying goal that the client has that -- who  
24 -- that prioritizes what he feels is more important  
25 than what I'm thinking. And most of the time we're

1 able to come to an agreement that maybe his goals  
2 were more important and so I become impartial to --  
3 in trying to complete the project with that goal in  
4 mind.

5 PANEL MEMBER BELNAP: Okay. Thank you.

6 Still on the issue of impartiality, can  
7 you provide another example outside of your work as  
8 an architect --

9 MS. GLORIA: Um-hmm.

10 PANEL MEMBER BELNAP: -- where you've had  
11 to set aside your personal beliefs to achieve a  
12 broader objective?

13 MS. GLORIA: Well, I'm trying to think of  
14 the times when I've worked in a group outside of  
15 work. And I think, for me and my family, I can say  
16 that I think -- well, okay, here's an example.

17 When my mom was -- my mom passed away a  
18 while ago but before she passed away she had an  
19 illness. And it became clear that the doctors --  
20 she had ALS -- and so it became clear that the  
21 doctors where she was living weren't treating her  
22 very well because they saw that she had ALS and  
23 there's really no cure for it. So whenever she'd  
24 go in for a cold or something, they, you know, they  
25 just basically let the course of the cold go



1 whichever way it might, so the quality of her life  
2 was not taken care of.

3           So my sister, fortunately, lives in  
4 Oregon. And there's a center there for the OHS,  
5 Oregon State Health -- I can't remember -- OHSU is  
6 a university that has a department that treats ALS  
7 patients, and so she knew about this. And so it  
8 was our task to get my mom over there to see those  
9 doctors, so that she could have a better quality of  
10 life.

11           Unfortunately, she didn't want to -- at  
12 first she was resistant on seeing those doctors but  
13 we had to convince her to, well, to go over there.  
14 And eventually it became clear that she needed to  
15 live with my sister, my mother, that she needed  
16 this help and that she was better off living over  
17 where my sister was and being taken care of by  
18 doctors there. But it was a big -- it was a big  
19 move for her.

20           So I guess I was part of the family who  
21 was trying to convince her to move. And it was  
22 just a matter of us explaining to her what the  
23 issues were with her health and what the -- and how  
24 those issues could be alleviated by making a  
25 change, so it was just making a big change.

1           PANEL MEMBER BELNAP: All right. Thank  
2 you.

3           In your essay on appreciate for diversity,  
4 you described your travels throughout California  
5 where you pursued your interest in water  
6 infrastructure.

7           MS. GLORIA: Um-hmm.

8           PANEL MEMBER BELNAP: Can you talk about  
9 an experience that you had in your travels that  
10 increased your understanding and appreciation for  
11 California's diversity?

12          MS. GLORIA: Yeah. Actually, there were a  
13 couple of instances on our travels.

14          The first one was my husband and I took a  
15 trip along the Colorado -- well, actually, along  
16 the aqueducts down into Mexico to get to the mouth  
17 of the Colorado River. And in so doing, we passed  
18 through the Imperial Valley, so we were just  
19 tracking where the water from the aqueducts goes,  
20 and into the fields. And so we got to a field and  
21 we were just looking at sort of like the pollution  
22 in the field because there was runoff from the  
23 fields that, I guess, has a lot of -- I'm not -- a  
24 lot of pollutants that make it foam up, so we were  
25 just looking at that. And there was -- and then we

1 thought we were by ourselves.

2           And then somebody drives up and says,  
3 "Well, isn't that interesting. There's a lot of  
4 foam in that water, huh?"

5           And so it turned out the person that we  
6 ended up talking to was a lawyer from the region  
7 and he represented, I guess, he represented  
8 farmworkers. So we ended up talking to him about  
9 the people who live around that area and what they  
10 were doing about the pollution from the fields and  
11 if there could be anything done?

12           So I got a sense of who was working in the  
13 farm fields, because we ended up going, actually,  
14 to a party, his birthday party that happened to be  
15 that day, and spent some time with his family. And  
16 they weren't unlike my cousins, actually.

17           And then the other incident was we were  
18 doing a Metropolitan Water District tour up north  
19 to see the San Joaquin Delta area. And we were  
20 looking at the delta region where there's been a  
21 lot of subsidence because of farming there. And so  
22 it was actually pretty amazing because the land  
23 level is way before the sea level, so it's kind of  
24 interesting to see that situation.

25           And then as we were looking around, one of

1 the farmers who had his land there yelled to us and  
2 he said something like, "This is" -- you know, he  
3 made it clear that the farmers had a real interest  
4 in keeping that land because it's been in their  
5 family for a long time and that's their livelihood.  
6 You know, they didn't want somebody taking that  
7 away from them and, you know, because that's --  
8 it's what they do, I mean and I can completely  
9 understand that because even though it's an  
10 environmental problem, there's an issue with these  
11 people's livelihoods. So that gave me a real  
12 different perspective.

13 PANEL MEMBER BELNAP: All right. Thank  
14 you.

15 So, again on the subject of appreciation  
16 for diversity, but getting away from your travels  
17 for a moment, can you provide a different example  
18 of a project where you worked with people from  
19 different backgrounds to achieve a broader  
20 objective?

21 MS. GLORIA: A broader objective? So  
22 you're asking me about a situation where -- I mean,  
23 because I can fall back on another architectural  
24 example, if you'd like.

25 PANEL MEMBER BELNAP: That would be fine,

1 as long as we're talking about the subject of  
2 appreciation for diversity and how an experience  
3 you had increased your understanding or  
4 appreciation for California's diversity.

5 MS. GLORIA: Oh, I see. Okay. Well, I  
6 mean, this is kind of a very localized project that  
7 I'm -- or situation that I'm thinking of because  
8 right now, I work in an architecture office, as  
9 well as doing freelance stuff. But one of our  
10 clients in the office is of Egyptian background.  
11 And he -- one of his goals, I mean, he wants to  
12 remodel his house. But one of his goals is to have  
13 a roof deck on his house. And we're sort of  
14 resisting it because the roof deck, where he wants  
15 to put it, is going to create a lot of water  
16 problems, probably, in the future. And so we need  
17 to be able to figure out a way to fix the -- you  
18 know, like prevent water problems in the future.

19 But then we took the project out for the  
20 contractors to place bids on them. And one of our  
21 contractors is of sort of like Middle Eastern  
22 origin from that region and so he explained to us  
23 that for our client, the roof deck is kind of like  
24 a really important cultural item because they -- it  
25 gives them the opportunity to see the city below

1 and to go out and be outside in the open air. And  
2 it becomes a social place to -- you know, a social  
3 gathering place.

4           So it put perspective into me the  
5 importance of the roof deck and how we really  
6 needed to keep that in the project.

7           PANEL MEMBER BELNAP: Okay. Thank you.

8           So I'd like you to compare and contrast  
9 the work and analysis that an architect does with  
10 the analysis that the Commissioner would do. So  
11 how is the analytical work of an architect similar  
12 to the analytical work of a Commissioner and, also,  
13 how are they different?

14           MS. GLORIA: Okay. Well, for architect,  
15 analyzing the goals of the -- okay, so there's a  
16 few things that the architect needs to analyze.  
17 The architect needs to analyze the goals of the  
18 client. They need -- he needs to analyze the site,  
19 the building site itself, and what the conditions  
20 are and what is possible to -- structurally because  
21 we work with a structural engineer to analyze what  
22 can be done structurally. And then we need to  
23 analyze what the Building Code is going to allow,  
24 not just for safety reasons but, also, for what the  
25 zoning -- the city zoning department needs.

1           And so taking those legal aspects, the  
2 physical aspects, and then the aspirations of the  
3 client and our aspirations together, we need to  
4 analyze all those things together in order to come  
5 up with solutions that meet all those goals.

6           And then for the Commission, I would think  
7 that the same sorts of aspects are being drawn in  
8 here because there are legal aspects that we would  
9 need to consider. And then there's the physical  
10 aspects of, you know, what -- where the populations  
11 are, what the city and county lines are. And then  
12 aspirational goals of how do we want to keep the  
13 communities of interest together and not disrupt  
14 that? So it's going  
15 to -- it's all those three different kinds of  
16 aspects that are very common to both.

17           PANEL MEMBER BELNAP: And then how are  
18 they different?

19           MS. GLORIA: In the case of architecture,  
20 things get built, and there's a concrete result.  
21 In the case of the Commission, it's you -- the  
22 results are not going to be known for a while. I  
23 think that the results will come out when voting  
24 takes place and people see the results of how the  
25 elections went and how well they -- the elections

1 tracked the communities of interest. And so it's  
2 sort of -- it's a much more abstract kind of a  
3 result and outcome.

4 PANEL MEMBER BELNAP: So in the  
5 Commissions work, lines will get drawn. And that's  
6 fairly concrete and sensitive that the lines will  
7 be on, at least, a map somewhere.

8 MS. GLORIA: Um-hmm.

9 PANEL MEMBER BELNAP: But what you're  
10 talking about is the end result of having good  
11 lines.

12 So tell me about that end result. What  
13 are you hoping that the Commission achieves by  
14 putting together these fairly drawn district lines?

15 MS. PELLMAN: Quick time check. We have  
16 four minutes, thirty seconds remaining.

17 MS. GLORIA: Okay.

18 Well, what I'm hoping is that -- first of  
19 all, I agree that the lines should be fairly  
20 regular, not irregular, as in gerrymandering. I  
21 would hope -- my hope for the lines would be that  
22 the most -- like for every region, that a diversity  
23 of people is represented and not just one point of  
24 view. I think that doing that gerrymandering, I  
25 would say, keeps politician -- or keeps the



1 powerful in place. And as a result, I think that  
2 over time, when society changes, politicians need  
3 to change, as well, and so do policies.

4 So allowing a diverse population within a  
5 boundary line would, I think, help keep policies  
6 more diverse and resilient.

7 PANEL MEMBER BELNAP: All right. Thank  
8 you.

9 I have no further questions, Madam Chair.  
10 Thank you.

11 CHAIR DICKISON: Thank you.

12 Mr. Coe, the time is yours.

13 PANEL MEMBER COE: Thank you, Madam Chair.

14 Good afternoon, Ms. Gloria. Thank you for  
15 taking the time to speak with us today.

16 MS. GLORIA: Thank you.

17 PANEL MEMBER COE: On your application,  
18 you discussed your volunteer efforts, including  
19 helping design and construct Habitat for Humanity  
20 Homes.

21 MS. GLORIA: Yeah.

22 PANEL MEMBER COE: Also, your membership  
23 with Toastmasters International.

24 How do you go about selecting the  
25 volunteer efforts you choose to join? What are you

1 looking for when you decide to dedicate yourself to  
2 these causes?

3           PANEL MEMBER COE: Well, in the terms --  
4 for Habitat for Humanity, I felt like it was  
5 important because I feel that poor communities or  
6 poor families don't have a lot of opportunity to  
7 own property. And I -- that's one thing I really  
8 like about Habitat for Humanity is that they don't  
9 just give it away, they make you work for it. And  
10 I think that that teaches values, not just -- and  
11 I'm not saying for the people who are getting the  
12 houses. I think it's also for the people who are  
13 helping out on the projects.

14           And, of course, Habitat for Humanity,  
15 because I know about construction, so that was kind  
16 of an obvious one for me. But for me, it was  
17 mostly about helping these families have something  
18 that they can call their own and be proud of and  
19 have something that is of quality. So that's how I  
20 chose them.

21           As far as Toastmasters, that was much more  
22 of kind of a selfish kind of motivation where I  
23 wanted to learn how to speak publicly. I had --  
24 for my architect license for California, you have  
25 to present yourself in front of a panel of people

1 who test you, and so that was an effort to try and  
2 build some confidence there.

3           So -- but in any case, for volunteer work,  
4 I think helping others is a real motivator, and  
5 helping others in a way that I can use skills that  
6 I'm good at.

7           PANEL MEMBER COE: Do you think that your  
8 volunteer experiences could at all be a benefit to  
9 the Commission?

10           MS. GLORIA: Absolutely. I mean, I feel  
11 like keeping other people's lives in mind is really  
12 important. And, also, understanding that people  
13 unlike me are -- I have a lot to learn from and,  
14 which, I think I did learn when I did Habitat for  
15 Humanity, not just from the homeowners but also  
16 from the other volunteers. So there's a lot to be  
17 learned in a group volunteer situation, not just  
18 for those who you volunteer for but also the ones  
19 that you volunteer with.

20           PANEL MEMBER COE: Thank you.

21           In your essay on impartiality, you say  
22 that,  
23 "Impartiality is the ability to act beyond self-  
24 interest and personal bias to achieve larger goals  
25 and promote fairness." You spoke about this a

1 little bit, too, in some of the remarks you made  
2 from the standard questions at the beginning of the  
3 interview.

4           In your essay, you on to say, "This  
5 requires an awareness of one's own beliefs and  
6 ability to see and understand other's  
7 perspectives." And, also, your own beliefs and  
8 your own biases is something that you've talked  
9 about a few times today also.

10           And so my question is, how does a person  
11 go about identifying their biases and how do you  
12 keep this from influencing your decision making?

13           MS. GLORIA: For me, I -- you know, it's  
14 not easy to identify one's own biases, I mean,  
15 mostly because they're biases and they do present  
16 blinders.

17           So, for me, I see my biases through the  
18 eyes of others. And in talking with others, and  
19 when I disagree with somebody, I'll -- I often have  
20 to question myself as to why I disagree or feel  
21 strongly about something. So it's not just seeing  
22 it through other people's eyes but, also, the  
23 willingness to look inside and ask why I feel a  
24 certain way. I think that's a really important  
25 part of identifying my biases because I know myself

1 best and so I'm going to know the reasons why I  
2 feel why I feel the way I feel.

3           So -- but then, like I said, when you  
4 speak with other people about an issue or a  
5 circumstance, they present a different point of  
6 view. And once you're able to relate your point of  
7 view with theirs or with a bunch of other points of  
8 view, I think you can put your point of view into  
9 better perspective.

10           PANEL MEMBER COE: Are there any methods  
11 for ensuring that a personal bias doesn't influence  
12 your decision making when you may not be aware of  
13 it?

14           MS. GLORIA: Oh, methods? I think  
15 questions are a really good method of doing that,  
16 well, not just questioning yourself but questioning  
17 others to try and understand their point of view.  
18 And then questioning others to try and figure out  
19 if there are -- where your blind spots are because  
20 I think -- and I think, also, willingness to hear  
21 something that you don't want to hear and taking  
22 that unwelcome comment or unwelcome piece of  
23 information and trying to reconcile that somehow  
24 with your own point of view.

25           PANEL MEMBER COE: Thank you.

1 I'd like to move on to your essay on  
2 appreciation for diversity. And in that essay, you  
3 mention the experience of your parents who had  
4 limitations to purchasing homes or property in the  
5 1950s and '60s that weren't financial limitations.

6 MS. GLORIA: Um-hmm.

7 PANEL MEMBER COE: And you've talked a  
8 little bit today, and in your essays, you discuss  
9 having met or worked with various diverse groups of  
10 people.

11 And with these perspectives and  
12 experiences in mind, what have you learned about  
13 the needs, the desires, the preferences, and the  
14 concerns of diverse groups of people in California  
15 that would make you an effective representative for  
16 them on this Commission?

17 MS. GLORIA: I think that keeping my  
18 parents situation in mind and knowing the community  
19 that my cousins come from, I think I understand  
20 what it means to not have a voice, and what it does  
21 to a community. Because in my cousins' case, I  
22 think they're disengagement from the powers that be  
23 also has a negative impact on what -- how they feel  
24 they can impact the world, just self-confidence-  
25 wise and things like that.

1           So one part of listening to others in the  
2 community is, I think, for me, also trying to  
3 figure out what's not being said. Because a lot of  
4 times, I think, people articulate things but they  
5 don't always articulate things that may be the core  
6 issue of what they're facing.

7           So, I mean, maybe this is case in point, I  
8 think that understanding that less represented  
9 communities might have issues that aren't being  
10 said is really important for understanding the  
11 communities that need to be represented.

12           PANEL MEMBER COE: So in line with that  
13 subject of communities, I wanted to talk a little  
14 bit more about communities of interest, I think Ms.  
15 Dickison asked you about them earlier on, about  
16 specifically how to identify them. My question is  
17 a little bit -- I want to continue that line of  
18 thought, but some communities are more obvious than  
19 others. Some are harder to identify for one reason  
20 or another, they're not as engaged or they're not -  
21 - they're just harder to find, harder to locate.

22           MS. GLORIA: Um-hmm.

23           PANEL MEMBER COE: How could the  
24 Commission go about, in their efforts to identify  
25 the communities, as you've already spoken about,

1 how can the Commission avoid inadvertently  
2 overlooking some of these harder to find  
3 communities of interest?

4 MS. GLORIA: That's a tough one because  
5 then you're trying to uncover something that's not  
6 seen, basically. I think that the Commissioners  
7 can look at, well, the statistical demographics --  
8 I mean, not statistical, but the demographics that  
9 they get in the census data will probably reveal  
10 some groups that maybe aren't represented. So  
11 looking at data, looking at the various  
12 neighborhoods to see who's there, and I think that  
13 even looking at just what's in the neighborhood,  
14 for example, stores or food establishments or  
15 things like that, to gather data on various  
16 communities might be helpful in identifying people  
17 who aren't as vocal.

18 PANEL MEMBER COE: So in line with that  
19 same thought and in line with the idea you were  
20 talking about a moment ago, about making sure that  
21 communities have a voice, some of those communities  
22 may feel uncomfortable or concerned about coming  
23 forward and sharing their voice and perspective for  
24 different reasons. They are generally not folks  
25 who come forward and share their points of view.



1           But since feedback and input from as many  
2 communities as possible is so important to the work  
3 of this Commission, how could you -- or how could  
4 the Commission go about making these particular  
5 communities that don't necessarily engage feel  
6 comfortable to come forward and share their voice  
7 and share their perspectives to help better inform  
8 the Commission?

9           MS. GLORIA: Well, I think, well, part --  
10 I think a lot of the communities that we're talking  
11 about might be ethnic communities that speak  
12 different languages. And knowing that the  
13 different languages are out there, putting  
14 Commission communications out in different  
15 languages, I mean, we do that for our voting and I  
16 think that's helpful.

17           But I think also being able to -- I think  
18 I mentioned before that outreach is really  
19 important for the Commission. And somehow, getting  
20 people out into the community, perhaps, or on the  
21 media that those communities use is important in  
22 communicating with them and letting them know that  
23 they're a necessary voice in this process and that  
24 they are welcome in the process, so just being  
25 really creative about outreach.

1           PANEL MEMBER COE: So in regards to  
2 outreach, and you mentioned some groups that we're  
3 talking about may speak different languages, I  
4 noted in one of your letters of rec it says that  
5 you speak several languages; is that right?

6           MS. GLORIA: Well, I do speak a little bit  
7 of everything, actually. I speak a little bit of  
8 Spanish. I speak -- but it's not really very  
9 fluent, it's much more a matter of knowing  
10 important phrases and words, but Spanish, Italian,  
11 French. I've tried to learn Thai. So it's  
12 actually a collection of languages that I've sort  
13 of been interested in as I travel, as I've  
14 traveled.

15           So, yeah, I mean, I have to say that  
16 English is the most fluent language that I know.  
17 Spanish is like a second but not -- I'm not as  
18 comfortable with that one.

19           MS. PELLMAN: Quick time check. We have  
20 five minutes, twelve seconds.

21           PANEL MEMBER COE: Thank you.

22           Could your ability to converse, maybe not  
23 fluently in all of these languages, but could your  
24 ability to converse in many different languages be  
25 an advantage to the Commission during outreach

1 efforts?

2 MS. GLORIA: To a limited degree, I think  
3 so. I feel like I want to communicate with other  
4 people in different languages. You know, as with  
5 learning any language, there is a sense of  
6 intimidation that you won't be able to understand  
7 the response, so -- but I think I have a  
8 willingness to try and -- to communicate.

9 PANEL MEMBER COE: Thank you.

10 Yeah, earlier, you were talking about that  
11 teams generally kind of fall into distinct roles.

12 MS. GLORIA: Um-hmm.

13 PANEL MEMBER COE: What would you see as  
14 your role or the role that you think you'd  
15 naturally fall into on this Commission if you were  
16 appointed?

17 MS. GLORIA: I feel like I'm good at  
18 organizing things. And so I feel like I would be  
19 the type of person who would try to organize, like  
20 maybe notes or information, and then make sure that  
21 the rest of the team got those, got -- it was, you  
22 know, it was distributed.

23 I feel like I'm the type of person who  
24 wants to make sure that people are talking to each  
25 other and that when we do talk to each other, that

1 there's, like there's an outcome, like a tangible  
2 outcome of some sort.

3           So, for me, because that's pretty much  
4 what I do for work, but I really feel like I'm  
5 always trying to make sure that I communicate with  
6 others so that things get done. So that's pretty  
7 much how I work in a team.

8           PANEL MEMBER COE: Okay, really quickly,  
9 since we're about out of time, if you were to be  
10 appointed to the Commission, which aspects of that  
11 role of Commissioner do you think you would enjoy  
12 the most and, conversely, which aspects of that  
13 role do you think you might struggle with a little  
14 bit?

15           MS. GLORIA: Oh, okay. I do like the  
16 aspect of organization and connecting and, you  
17 know, making sure that everybody's doing what they  
18 need to do. And I do like the part of analyzing  
19 the data and looking at the maps and understanding  
20 those maps.

21           I think, for me, the hardest part is  
22 that -- might be leading the group. I mean, I feel  
23 like I'm much more of a leader from behind than I  
24 am in front. I tend to be a much more one-on-one  
25 type of person rather than speaking to a group. So

1 -- but I -- not that I can't speak in front of a  
2 group but it's just like I prefer speaking to  
3 people one on one or in small numbers. So that  
4 probably my weakest point.

5 PANEL MEMBER COE: Okay. Thank you.

6 No further questions at this time, Madam  
7 Chair.

8 CHAIR DICKISON: Thank you, Mr. Coe.

9 Mr. Dawson, the time is yours now.

10 MR. DAWSON: Thank you.

11 MS. PELLMAN: Mr. Dawson --

12 MR. DAWSON: Madam Secretary, how much  
13 time?

14 MS. PELLMAN: Oh, sorry. Thank you. Six  
15 minutes, thirty second.

16 MR. DAWSON: Okay. Thank you.

17 I just have one, maybe one-and-a-half  
18 questions --

19 MS. GLORIA: Okay.

20 MR. DAWSON: Ms. Gloria. We talked a bit  
21 about your work as an architect. And I noticed  
22 that in your essay on analytical skills, you say,  
23 "As a licensed architect, I'm tasked with  
24 solving design and technical problems and  
25 resolving the design with the requirements of

1 local Zoning and Building Codes. In that  
2 process, I strive to meet the often competing  
3 goals of clients, superiors, and state and  
4 local jurisdictions in which the projects are  
5 built."

6 So, to me, and based on your answer that  
7 you've given to the other questions, it sounds like  
8 you enjoy the process of solving these problems.  
9 It's like a puzzle you're trying to get to put  
10 together.

11 MS. GLORIA: Um-hmm.

12 MR. DAWSON: And so my thought was that  
13 drawing these maps, there are -- these are designs  
14 that you are trying to have competing interests in,  
15 do you have, as an architect, do you have a bias  
16 towards and aesthetically pleasing design?

17 MS. GLORIA: Yes, I do, actually. I mean,  
18 that's kind of a given. And I guess you're  
19 referring to the maps and there is an aesthetic  
20 value to those maps and I understand that. I find  
21 maps fascinating. And I think that I would have to  
22 be aware that drawing an aesthetically pleasing  
23 line on a map needs to be tempered with the  
24 practicalities of what the needs of the community  
25 are, so --

1           MR. DAWSON: And that's where I was going  
2 with that. Because like during our training, we  
3 had the -- we were given the -- the Panel was given  
4 the example of a C-shaped district which, on its  
5 face, seemed to be a gerrymandered district. But  
6 as it turned out, that contained a community, a  
7 homogenous community of interest --

8           MS. GLORIA: Um-hmm.

9           MR. DAWSON: -- which had sort of moved  
10 out of the city center.

11          MS. GLORIA: I see.

12          MR. DAWSON: And so is that the sort of  
13 competing interest that's not on its face that  
14 you're talking about?

15          MS. GLORIA: I would think so because I  
16 think when we -- when -- going into the mapmaking  
17 or drawing the district lines, maybe I would have  
18 the presumption that, okay, this community is all,  
19 you know, in one localized area. And I think in my  
20 mind, when I think of my city, I think that way. I  
21 think that, you know, the Thai community is over  
22 here, the Filipino community is over there, the,  
23 you know, the Mexicans are over here, or that kind  
24 of thing when, in reality, you know, they're pretty  
25 spread apart and, you know, they're like fingers

1 that interlock.

2           So I think that that's -- I mean, it's  
3 just like biology, you know, things are just not  
4 clear cut.

5           MR. DAWSON: Okay. All right. Thank you.

6           That was my only follow-up, Madam Chair,  
7 if the other Panel members have any additional  
8 follow ups?

9           CHAIR DICKISON: Thank you. I do not have  
10 any additional follow ups.

11           Mr. Belnap?

12           PANEL MEMBER BELNAP: I do not have any  
13 further questions.

14           CHAIR DICKISON: Mr. Coe?

15           PANEL MEMBER COE: No further questions.

16           CHAIR DICKISON: Okay. No further  
17 questions, Mr. Dawson.

18           MR. DAWSON: Thank you, Madam Chair.

19           Madam Secretary, how much time is  
20 remaining in the 90 minutes?

21           MS. PELLMAN: Two minutes, fifty seconds.

22           MR. DAWSON: Thank you.

23           Ms. Gloria, in the time remaining I'd like  
24 to offer you the opportunity to make a closing  
25 statement to the Panel, if you wish?



1 MS. GLORIA: Sure. What I'd like to say  
2 is that I really feel like this process so far has  
3 been really clear, open, and well run. I feel like  
4 the questions I was given were both thoughtful and  
5 really thought provoking, and that the  
6 communications from the Application Team have  
7 really seemed thorough, explanatory, and welcoming  
8 to my comments and other -- and questions. So I  
9 feel that, in a sense, this whole process is a  
10 model for what the Commission needs to do.

11 I really feel that the application process  
12 has given me confidence that motivated, fair,  
13 sincere and capable Commissioners will be chosen  
14 because this is a really big challenge and an  
15 important task. So -- and I believe that the  
16 competence and the success of the Commission will  
17 determine how well California can set an example  
18 for the rest of the country.

19 CHAIR DICKISON: Thank you. Thank you,  
20 Ms. Gloria, for speaking with us today.

21 MS. GLORIA: Thank you.

22 CHAIR DICKISON: Our next interview is at  
23 three o'clock and so we are going to recess until  
24 2:59 p.m.

25 (Thereupon the Panel recessed at 2:43 p.m.)

1 2:59 p.m.

2 CHAIR DICKISON: Good afternoon. Time  
3 being 2:59, calling the Application Review Panel  
4 meeting back to order.

5 I would like to welcome J. Craig Fong.

6 MR. FONG: It's Jay, actually. My friends  
7 just call me Jay.

8 CHAIR DICKISON: Jay? Okay. So Jay, Mr.  
9 Jay Fong to his interview.

10 I'm going turn the meeting over to Mr.  
11 Chris Dawson to read you the five standard  
12 questions.

13 MR. DAWSON: Thank you, Madame Chair.

14 Good afternoon, Mr. Fong. I'm going to  
15 read you five standard questions that the panel has  
16 requested each applicant respond to.

17 Are you ready?

18 MR. FONG: Yes, sir.

19 MR. DAWSON: First question. What skills  
20 and attributes should all commissioners possess?

21 What skills or competencies should the  
22 Commission possess collectively?

23 Of the skills, attributes, and  
24 competencies that each commissioner should possess,  
25 which do you possess?

1           In summary, how will you contribute to the  
2 success of the commission?

3           MR. FONG: Well I think the first thing I  
4 would address is the fact that I've looked at some  
5 of the credentials of the people that you've been  
6 looking at, and it's an incredible wealth and depth  
7 of people. And I actually think that the universe  
8 of people that you're looking at I think it will be  
9 very hard to go along with a lot of these people.

10           But I do think that one of the things that  
11 we need to look at together are the shared goals.  
12 Obviously we're trying to create a fair and  
13 defensible redistricting map for the state of  
14 California. But I think that we need to be all on  
15 the same page when it comes to making that  
16 evaluation.

17           In my mind, there are three things that we  
18 need to look at and of the members of the group, we  
19 need to be sure that we have a common grasp of  
20 those issues. The three are the law, which is to  
21 say the law that not only creates this Commission,  
22 but also the law that impels us to create these  
23 maps and to do so fairly.

24           Two is the data. We're going to be  
25 receiving an enormous amount of data from the

1 Bureau of the Census. I think it's important that  
2 people -- I don't think everybody needs to be an  
3 actuary or an accountant or a master at Excel, but  
4 we should all be comfortable with looking at the  
5 data, not be afraid of what it is, not be afraid of  
6 the numbers, not be afraid of how to approach that  
7 material.

8           And then the third issue are the voices in  
9 the community. Obviously the law guides what we  
10 do. The data is obviously the input, but there's  
11 also input from the community. Where the community  
12 of interest is, where the people are. Where they  
13 go to school, where they work, what industries do  
14 they work in, are any number of ways to carve that  
15 up. And I think that it's important that the  
16 members of the Commission understand that there are  
17 those three things out there.

18           Having under -- I mean, you know, you can  
19 understand the law. I'm an attorney, I'm sure that  
20 all of us could come to some understanding of what  
21 the law is. You know, Shelby versus Holder, and  
22 Crawford versus Marion County. There are any  
23 number of cases, there are any number -- there's  
24 any amount of data that's out there. I just think  
25 that we need to be comfortable with what's being

1 presented to us.

2           And then finally I think the thing that's  
3 most important of all is what I'm calling  
4 teachability. We talk to a lot of people about,  
5 although I listen very well and I'm very open to  
6 getting new information from people.

7           I remember when I first -- on the very  
8 first day I went to university, and I walked into  
9 the university library. This is a university that  
10 has over 12 million volumes. And I walked in to  
11 the lobby, I guess, for lack of a better word, and  
12 there was row upon row, bank upon bank, of the card  
13 catalog. It was monstrous. And at that moment, I  
14 felt this big because I realized that in my  
15 lifetime, I would never read a tenth, a hundredth,  
16 a thousandth of the stuff that was there. And it  
17 really taught me that I had to be, I'm not going to  
18 learn all of it. I have to be open to be  
19 teachable. I have to be open to learning a lot of  
20 this stuff, whether it is learning more -- learning  
21 then more about the data, learning more about the  
22 law, I'm not perfect in the law. Learning more  
23 about the communities that California makes home  
24 for. And so I think we need to be aware not only  
25 of what we know and the expertise that we bring,

1 but to be teachable about the new stuff that's  
2 coming in. And I just think it's really important  
3 that we learn how to elicit that information, learn  
4 how to listen to it, yes, but learn how to be  
5 taught by it.

6           You may note that in my original  
7 application credential, I mentioned the fact that I  
8 grew up in the Solano County, that I went to school  
9 in Alameda and then Contra Costa County. But it's  
10 been 30 years since I've been up in the farm  
11 country. If I pretended to tell anybody that I  
12 know what it's like growing up in a farming  
13 community, I don't. I have some background. I do  
14 remember a lot of it. And it will inform what I  
15 learn from others, but it's not the last word.  
16 It's not the only thing. There's so much more to  
17 learn because I'm not there now. So, yes, I have  
18 experiences. Yes, I have background in the law and  
19 reading, but it's really about listening to what  
20 people have to tell me about their lives now. And  
21 I'm hoping that you -- that we can create a group  
22 of people that does that well.

23           MR. DAWSON: Thank you.

24           Question 2. Work on the Commission  
25 requires members of different political backgrounds

1 to work together. Since the 2010 Commission was  
2 selected and formed, the American political  
3 conversation has become increasingly polarized,  
4 whether in the press, on social media, and even in  
5 our own families.

6           What characteristics do you possess and  
7 what characteristics should your fellow  
8 commissioners possess that will protect against  
9 hyper-partisanship?

10           What will you do to ensure that the work  
11 of the Commission is not seen as polarized or  
12 hyper-partisan and avoid perceptions of political  
13 bias and conflict?

14           MR. FONG: There's no question there's an  
15 awful lot of tension in the air these days. It  
16 disturbs me a great deal. I think many of us grew  
17 up at a time when some was on one side of the couch  
18 or the other side of the couch and we had a dialog.  
19 Our legislature process was a dialog where you  
20 sometimes got a little and sometimes lost a little,  
21 but you found a way into the middle. And that  
22 doesn't seem to happen very often.

23           I think one of the solutions to that is,  
24 as I alluded to earlier, not just listening better,  
25 but allowing yourself to be taught. There are

1 times I think when, especially right now, there are  
2 times when I think our elected leaders and indeed  
3 many of our opinion shapers depart from the truth.  
4 And I think that our first lodestone, our first  
5 place that we touch should be going back to what  
6 the facts are.

7           So, again, I'll echo what I was saying  
8 earlier, the facts about the law. We know the  
9 cases that give rise to our duty and the  
10 Constitution. We can read those. We can interpret  
11 it all differently, but we can read them and  
12 understand where we are.

13           Second, there's going to be the data from  
14 the Bureau of the Census. That data is right  
15 there. We can't pretend that the numbers are other  
16 than what they are.

17           And then the third thing is listening to  
18 the community. And obviously those are open to  
19 interpretation as well. But I'm hoping that if we  
20 remind ourselves and I will certainly do what I can  
21 to remind other commissioners, if I'm selected,  
22 that we need to come back to the place where we  
23 know where the facts reside. Where we know the  
24 principles, even if we see them differently, where  
25 the principles of the law reside, and go back to



1 refer to those.

2 I am worried if we have commissioners who  
3 are deciding to make up facts on their own or  
4 making up testimony that nobody heard, that would  
5 worry me. So I think it's really important to be  
6 able to not only, yes, look at the facts in front  
7 of us, hear the things that the people are telling  
8 us, but go back to the first principles so that we  
9 know and remember what we were told, what we read.

10 It's a little like that old story about  
11 the guy who, the philosopher who wants to learn  
12 more and more about philosophy and hears about this  
13 wise man and he goes to the top of the mountain and  
14 he says, I've read about Zen and I've read about  
15 Christianity, and Judaism, I've read about all of  
16 things and I've read all the philosophers, please  
17 teach me the meaning of life. You're a wise man,  
18 you're up in the mountain, teach me the meaning of  
19 life.

20 And so the wise man, let's just make a cup  
21 of tea. So he goes over and brings a teapot over  
22 and he starts, he puts two cups down and he starts  
23 to pour the cup of tea. You've probably heard of  
24 this story. And what happens is that he pours the  
25 tea for his guest and the cup fills and he keeps

1 pouring. And the tea just overflows and it's all  
2 over the table, he goes, stop, stop, there's tea  
3 all over the floor. And he goes, you're like the  
4 tea cup, you are so full already that there's  
5 nothing left for me to teach you.

6           If we are so full of our own  
7 preconceptions and ideas about what the data is and  
8 what the law requires that we can't bring anything  
9 else in, I fear for what the process is going to  
10 be. I think we have to be open. Again, I use the  
11 word teachable. We have to be teachable, we have  
12 to be open, and rather than doing this teacup and  
13 teapot and teacup thing, I would say that each  
14 commissioner is a cup. Our skills, our experiences  
15 are the cup. We are the vessel. We're not the  
16 tea. The tea that comes in is the data. The tea  
17 that comes in is what the community tells us in  
18 Ukiah or in Imperial Valley. That's the tea. And  
19 it may taste different to all of us, but the vessel  
20 that we are, are our experiences as lawyers and  
21 doctors and social workers. But the tea itself is  
22 what comes from the people that we are listening  
23 to.

24           MR. DAWSON: Thank you.

25           Question 3. What is the greatest problem

1 the Commission could encounter, and what actions  
2 would you take to avoid or respond to this problem?

3 MR. FONG: I'm hoping that we're all  
4 grownups, that we'll be able to communicate with  
5 one another. For all of our differences, which I'm  
6 sure there will be, that we can be grown up and  
7 talk to one another. And as we get to know each  
8 other, we will probably recognize, I hope, that we  
9 all have California's good in mind. I certainly  
10 hope so.

11 But I think the real thing we need to  
12 guard against is what I call indefensible  
13 decisions. Strangely illogical and indefensible  
14 districts. Our job is to draw lines, right, for  
15 the Assembly and the Senate, and the Franchise Tax  
16 Board, and for congressional districts. If we  
17 cannot defend the districts we draw, if we have no  
18 basis for saying that the line should be drawn here  
19 or there, there will certainly be a challenge. As  
20 I understand it, the prior Commission's work was  
21 challenged in court. I'm guessing that this one  
22 will be as well. And the truth is, is that if we  
23 could logically, legally, and reasonably draw the  
24 line in one of three places, there may be advantage  
25 and disadvantage to any number of interest groups

1 to draw it here, there, or someplace else.

2           What I am concerned about, what I think  
3 will harm the Commission, harm its mission, harm  
4 its credibility is if we draw a line that doesn't  
5 make sense. So in other words, there may be a  
6 number of places where the line could go and you  
7 could defend it. What will harm us is if we do  
8 something arbitrary, something capricious,  
9 something that anybody reasonable that looks at  
10 that and says, that's the, what on earth were they  
11 doing? This doesn't make any sense, why did they  
12 put it here? Why did they exclude the community  
13 there? That's what I would be worried about.

14           And it's true, there may be some unusually  
15 creatively shaped districts. And as long as we can  
16 talk about it, talk them out, and say this is I was  
17 thinking. This is why our thinking is this way.  
18 Then to ourselves, even if we have minor  
19 differences about where the lines should be, if we  
20 among ourselves as commissioners can say I  
21 understand why it went there. We voted it out, we  
22 talked it out, the line is here. And we can vote  
23 it out and defend it. If each one of us can do  
24 that, whether we agreed exactly what that line, I  
25 think that our work will be successful or at least

1 as successful as it can be.

2 MR. DAWSON: Thank you.

3 Madame Secretary, could we have a time  
4 check, please.

5 MS. PELLMAN: Yes, 16 minutes, 35 seconds.

6 MR. DAWSON: Thank you.

7 If you are -- excuse me, Question 4. If  
8 you are selected, you will be one of 14 members of  
9 the Commission which is charged with working  
10 together to create maps of the new districts.  
11 Please describe a situation where you had to work  
12 collaboratively with others on a project to achieve  
13 a common goal. Tell us the goal of the project,  
14 what your role in the group was, and how the group  
15 worked together, worked through any conflicts that  
16 arose.

17 What lessons would you take from this  
18 group experience to the Commission, if selected?

19 MR. FONG: I'm thinking back to quite a  
20 while ago, actually, 1986. It was the Ronald  
21 Reagan administration. Some of you may remember  
22 that he created the -- what was so-called the  
23 Amnesty Program at that time which is where people  
24 who were illegal could file certain papers and  
25 apply for a Green Card.

1           At that time, I was the director of the  
2 Immigration Project of the Asian-Pacific American  
3 Legal Center of Southern California, which is I  
4 think today called Asian-Americans Seeking Justice.  
5 At the time, it was the Asian-Pacific Legal Center,  
6 and I was the director of their immigration  
7 project. And, of course, this was an enormous  
8 undertaking to be able to get a bunch of people who  
9 did not trust the government, did not trust the  
10 immigration service and come in and say, "Listen,  
11 come in from the shadows, file the papers, let's  
12 get you legal, we'll get you a Green Card."

13           So this was a frightened community that  
14 had a bunch of paperwork that had to get done and  
15 they were very suspicious. And at the same time,  
16 this was a time when AIDS was running rampant,  
17 people did not understand it. It was highly  
18 stigmatized, it was a misunderstood disease. The  
19 community, the people that were getting it were  
20 misunderstood. It was a dearth of facts.

21           So what happened was that as working in  
22 the immigration environment that I was working in,  
23 one day in 1986, '87, I got a phone call from an  
24 AIDS organization on the west side of Los Angeles.  
25 And they said to me, we've got a family here and

1 they were applying for amnesty, they were going to  
2 apply, they had to get a medical exam. Everybody  
3 needs to take a medical. And all of them, mother,  
4 father, two sons, and a daughter, all tested  
5 positive. And they're afraid, of course, of what  
6 this is going to do for their amnesty application,  
7 but they're all -- we as an AIDS organization, they  
8 were afraid of what it's going to do to the family.  
9 I mean, it was incredible, terrible news.

10           So I said that I would go with them. I do  
11 speak Spanish. So I said I would go with them. We  
12 went out with a social worker and a couple of  
13 medical workers and some other people to talk to  
14 the family. They were willing to talk to us. And  
15 we started the conversation with them. But at one  
16 point the mother said, "This HIV thing, I don't  
17 understand. We're not Haitian, we're not IV drug  
18 users, we're not gay. How come this has happened  
19 to us?"

20           And, of course what had happen -- and just  
21 so you realize here, the 17-year-old son, who did  
22 not classify himself as gay, would go out on a  
23 Friday or the weekend with his friends and play.  
24 But even still, the eldest son is one thing, but  
25 there were four other people in the family. And

1 they were totally stunned as to how this could have  
2 happened. So we talked to them some more. And it  
3 turns out like many good Mexican-American moms, she  
4 wants to keep her family healthy with good food.  
5 And as it turns out, every other week on Friday  
6 night, she would line up the family for a B-12  
7 injection. Yeah, you see it already. And what  
8 happened, of course, was that they shared a needle.  
9 Needles are expensive. So they got the B-12 and  
10 everybody was going to be healthy and the family  
11 ended up infected, all of them. Obviously a  
12 tragedy.

13           But what was interesting to me was the  
14 message that we were sending. Right? Gay people,  
15 Haitians, and IV drug users get AIDS. This was,  
16 again, 1986. So when she hears these three things,  
17 she looks at her family and says this isn't me. I  
18 don't need to think about this message. This is  
19 not something I need to worry about. So she's just  
20 taking care of her family and doing what she does  
21 best. And, of course, now we see this problem  
22 where the family didn't realize that this can touch  
23 them too.

24           I use that example because after that  
25 interview with the family, the AIDS organization on



1 the west side of L.A. and my organization, Asian-  
2 Pacific American Legal Center, we got together and  
3 said you know what, there are two messages here for  
4 each of our constituencies, the people that we work  
5 with. And each message is important to the other  
6 group. What if we created a project that combined  
7 the two? Because immigrants don't want to hear  
8 this AIDS message. First of all, it disqualifies  
9 many of them. Number two, they're already  
10 stigmatized as it is. And number three, there are  
11 a million other things to worry about, why think  
12 about being gay, about having AIDS, about using  
13 drugs, we're worried about just the immigrant  
14 stuff.

15 On the other side, this organization is  
16 saying, listen, these people are worried about HIV,  
17 about their health, about getting access to  
18 healthcare and yet we are beginning to discover  
19 that many of these people can't get the medication,  
20 can't get the healthcare because they have no legal  
21 status. What if we can take these two points and  
22 merge them into one project? So we did. We  
23 created something, I hesitate to call it now, but  
24 we did, we called it a bait and switch.

25 What we did was we would go out as the

1 Asian-Pacific Legal Center and say, listen, "We've  
2 got an immigration message. We've being doing  
3 this, we had over 2,000 clients, we can tell you  
4 how to get legal, we can show you what to do." And  
5 as part of that dog and pony show, we would also  
6 say, "Listen, you need to get a medical exam. By  
7 the way, part of that medical exam was an HIV test.  
8 Here are the people over from this AIDS  
9 organization. We want you to listen to them as  
10 well."

11           And then whenever the AIDS organization  
12 would go out and talk about the AIDS message, they  
13 would say, "You know, here's what AIDS is, blah,  
14 blah, blah, and by the way, if you have HIV  
15 infection and you happen to be a foreigner, it  
16 could affect your ability to get a Green Card.  
17 Here are the people from the Asian-Pacific Legal  
18 Center, listen to them about the legal program."

19           So that we were able together very  
20 different messages and quite often very different  
21 groups, to tell a story that both groups could  
22 benefit from. We had to create a program that was  
23 workable. We had to create a program that social  
24 workers on the AIDS side could quickly understand a  
25 little bit of the law so they could problem spot

1 for their clients. We needed to be able to create  
2 a sensitivity program so that those of us in our  
3 legal assistance, our paralegals, could spot a  
4 problem with a community or with an individual and  
5 refer them to where they needed help. And work  
6 together to cross refer to one another with people  
7 and immigrants and people with HIV who didn't  
8 necessarily trust at the beginning. But as they  
9 got to know each other, as they saw our faces and  
10 realized we were working to understand one another.  
11 We had reached a place where we trusted each other  
12 and these clients trusted us.

13           So it's an example of where you could  
14 create a project, work across groups that were very  
15 different with different goals, different catchment  
16 groups, and create something that I -- frankly, one  
17 of the proudest things I've ever done. It really  
18 put me in touch with people in the community I  
19 never thought I would be in touch with and I'm very  
20 proud of that.

21           MR. DAWSON: Thank you.

22           Question 5. A considerable amount of the  
23 Commission's work will involve meeting with people  
24 from all over California who come from very  
25 different backgrounds and a wide variety of

1 perspectives.

2           If you were selected as a commissioner,  
3 what skills and attributes will make you effective  
4 at interacting with people from different  
5 backgrounds and who have a variety of perspectives?

6           What experiences have you had that will  
7 help you be effective at understanding and  
8 appreciating people and communities of different  
9 backgrounds and who have a variety of perspectives?

10           MR. FONG: I would echo back to the story  
11 that I just told you about the project we created.  
12 But to build upon that, a lawyer, like any  
13 professional person, when somebody comes into your  
14 office because they need a hand, they need help.  
15 They need to tell you their story, how they see it,  
16 what has happened to them, how they are in the  
17 place that they are in. You'll never get somebody  
18 to tell you their story if they feel you're not  
19 listening properly.

20           So, again, everybody talks about, well,  
21 I'm a good listener. It's true you must listen  
22 well, but the person that you're talking to, there  
23 has to be some perception from their end that not  
24 only are you listening, but you're really taking it  
25 on board, that you're teachable, to use that word

1 again. That you're really listening to them, that  
2 you're understanding what they're saying.

3           So over the years, I mean I've been doing,  
4 I've been an immigration lawyer for over, what, 35  
5 years now, something like that. I've really  
6 learned to do this because of course everybody  
7 comes from a different country with a different  
8 story. Everything from marriage cases to political  
9 asylum to everything else. And every story that  
10 comes into the room is different. So I have  
11 learned over the years, I will listen to those  
12 stories.

13           And one other thing is that I've also  
14 learned how to ask the questions that I hope will  
15 elicit the answers that I need or that I'm hoping  
16 to hear. Again, from my credentials you may have  
17 noticed I spent a little time with the Coro  
18 Foundation. One of the things that they train you  
19 on, we spent hours of time on learning how to ask  
20 questions. Evaluating the answers that come back,  
21 listening and learning from those answers, also  
22 developing what's called the -- well, there was a  
23 different word for it, but a BS detector of when  
24 somebody was trying to pull the wool over your  
25 eyes. And learning to develop that detector. And

1 being able to evaluate what's coming in and ask the  
2 question to get the answers back out again. So  
3 that's something I think that is a learned skill.  
4 I think I do it pretty well.

5 Compassion. The other thing, too, is  
6 about being able to not only hear the story that's  
7 coming to you, but letting the person know that you  
8 care about what you're hearing about. That you  
9 really do care, that it matters to you in some way.  
10 That it's, even as a lawyer, you know, I make my  
11 living doing this work and yet it's more than just  
12 about the paycheck. It's about making sure that  
13 this person is taken care of. That this person,  
14 that you can respond to them.

15 So the thing that's kind of interesting is  
16 that a number of years ago, I was also the regional  
17 director of and AIDS -- pardon me, a gay and  
18 lesbian civil rights organization, called Lambda  
19 Legal. And I was their first regional director  
20 here in California. It's a New York-based, it's  
21 like the ACLU, it's a New York-based gay and  
22 lesbian civil rights organization. I could tell  
23 you stories of what it's like to try to explain  
24 California to New Yorkers, but leaving that aside  
25 for the moment, one of -- part of my job was to go

1 out to various organizations and give speeches. So  
2 you rise to your hind legs, talk about what the  
3 organization is, how we were founded, what we do,  
4 what we do for the community, what kind of cases  
5 we're looking for.

6 I was at universities here in Southern  
7 California giving one of these speeches, so about  
8 400 people in the audience. And at the end of my  
9 speech, I said, "Listen, if you've got questions,  
10 please do ask. I'm interested to hear anything."  
11 And so this young woman stood up and she looked at  
12 me and she put out her finger and she said, "You're  
13 not doing enough. It is now, at the time, what,  
14 1992. We still cannot serve in our country's  
15 military. We still cannot get married. We still  
16 have no protection in the workplace. You haven't  
17 done enough."

18 And, of course, while she was speaking to  
19 me, the hackles were going up. Because I just  
20 thought, you young whippersnapper, how can you tell  
21 me after 30 years of doing this work that I haven't  
22 done enough? Thank goodness before I opened my  
23 mouth, it occurred to me that she had a point. Not  
24 because I personally haven't done enough but  
25 because civil rights activist, advocate lawyer that

1 I am, that I was and am, I was standing on the  
2 shoulders of people of color, of voting activists,  
3 of women, of gay men and lesbians, who fought this  
4 fight, have been fighting this fight for many, many  
5 years. And it is on their shoulders that I stood  
6 and still stand.

7           And the work -- it reminded me that this  
8 work is ongoing. It continues. It doesn't end.  
9 And the truth is, is that when she says we can't  
10 get married yet and we have no job protection, it's  
11 because it was a reminder to me that for all of the  
12 things I think I am doing, there is still more to  
13 do. And for the generations that come after me,  
14 there will be more to do. And for the Commission  
15 that came before me that was seated in 2010 and the  
16 ones that will come after me, if I'm privileged to  
17 be on this one. There will always be work to do.

18           There is a California out there that is  
19 changing and becoming and there are new things  
20 happening in the state all the time. Everybody  
21 says we're the fifth or sixth largest economy in  
22 the world. And because of these changes, the  
23 California republic is always changing. And what  
24 that means is that we need to perfect this map,  
25 this voting map, these district maps. And it is



1 that perfection, even if we try to fight for all  
2 the civil rights in the world, and all the voting  
3 rights in the world, there will always be that work  
4 to do. And so we can continue.

5 And she reminded me that, yes, you  
6 understand and you listen and you try to be  
7 compassion, but in the end, ironically we are  
8 trying to draw a perfect map that will never be  
9 perfectible. Well let me take that back. It will  
10 perfectible but will never be perfect.

11 MR. DAWSON: Thank you.

12 We'll now go to panel questions. Each  
13 panel member will have 20 minutes to ask his or her  
14 questions.

15 And we'll start with the Chair, Ms.  
16 Dickison.

17 CHAIR DICKISON: Good afternoon, Mr. Fong.

18 MR. FONG: Good afternoon.

19 CHAIR DICKISON: So you've talked about  
20 being an immigration attorney for many, many years.  
21 What motivated you to go into that area of law?

22 MR. FONG: Well, you know, it's  
23 interesting. I, as you can see from my credential,  
24 I have kind of a white-collar,  
25 blue -- blue, white shoe, white belt type of law

1 and undergraduate background. I went to law school  
2 that trained people to go to Wall Street and places  
3 like that. And when I originally got out of law  
4 school, I thought that I was headed for Wall Street  
5 and the big corporate job, and all that that meant.

6           And originally for the first couple of  
7 years of my law practice, I did do bank mergers and  
8 acquisitions. And I have to say that my mom was  
9 proud. I was making a frankly unreasonable salary  
10 for somebody my age. This is 1981, '82. But I was  
11 miserable. I was truly miserable because filing  
12 papers and doing bank mergers was not exactly what  
13 I enjoyed. I found it removed from what I  
14 understood, I found it removed from the things that  
15 mattered to me. And so when I heard that the  
16 Asian-Pacific Legal Center was getting involved  
17 with this amnesty project way back in 1986, that's  
18 when I decided to leave.

19           It was a frightening pay cut. It almost  
20 gave my mother a coronary because she said, "You  
21 did what? You went and you took a job where? You  
22 know, you left one of San Francisco's largest law  
23 firms and you're doing what? At approximately 10  
24 percent of the salary." But I have to be honest, I  
25 never looked back. It's work I love, it's work

1 that I come to every day knowing that I'm going to  
2 meet people who have great stories to tell. Some  
3 of them tug at the heart, some of them that  
4 infuriate me. But that's why I left. I really  
5 needed to be back where I felt I was doing  
6 something for people, for everyday folks. And not  
7 corporations. Not that corporations aren't nice  
8 people, but it's something that I wanted to do.

9 CHAIR DICKISON: Thank you for that.

10 So in your impartiality essay, you kind of  
11 listed some items that someone needs in order to be  
12 impartial. One of those was to recognize your own  
13 ideas and prejudices.

14 What are your ideals and prejudices that  
15 you would need to recognize and how would you  
16 ensure that they did not influence your decisions  
17 in that throng?

18 MR. FONG: Sure. A difficult question. I  
19 think that I know who I am. I know what my  
20 politics are. They haven't changed much over the  
21 years. And I know when they are different from  
22 somebody else's.

23 But I think that going back to what I  
24 started with, there's the law, the data, and the  
25 community information. And we're entitled to a

1 political view about any of those, all of those  
2 three things. But I think what's important is to  
3 come back to that.

4           And it would be easy to say well Mr. Smith  
5 over there, I know he's a very conservative person  
6 from the Central Valley or something like that.  
7 But we can still look at the data and have a  
8 discussion about the data. Or what we heard from a  
9 community person or an organization when we were  
10 visiting the Central Valley. Or what she thinks  
11 about the law and we can talk those pieces through.

12           But I think that recognizing where I  
13 stand, knowing who I am, knowing what my values  
14 are, if I can listen with sincerity, openness, to  
15 what he believes as well, I think we can find some  
16 place in the middle. Because the goal is to draw  
17 defensible, reasonable, sensible maps. Not a map  
18 that's going to favor one party over the other, but  
19 to do something that's sensible that we can both  
20 understand.

21           And I think that if you dealing with  
22 somebody who is a reasonable person, who  
23 understands who he or she is, even as I think I  
24 understand who I am, I think we can find a place in  
25 the middle. It was sort of the old-fashioned

1 politics of when you had Republicans and Democrats  
2 and you had to come together for a budget or  
3 something or other. And then the Congress used to  
4 get together and rub elbows and talk to one another  
5 and find a place in the middle. It's perhaps done  
6 less now than it used to be but I think we can  
7 still do it. That's my hope.

8 CHAIR DICKISON: Thank you.

9 So my next question has to do with you  
10 were just talking about being the director of the  
11 Asian-Pacific American Legal Center and working on  
12 the amnesty program.

13 MR. FONG: Yes.

14 CHAIR DICKISON: And you talked a little  
15 bit about getting communities that -- the  
16 communities that don't trust government to trust in  
17 you and to talk to you, right?

18 So there's a number of community groups or  
19 communities of interest that don't engage. What  
20 did you learn from that experience that you take  
21 forward and recommendations you might give to the  
22 other Commission members in reaching those  
23 communities?

24 MR. FONG: I think the first thing is  
25 being able to identify and identify with some of

1 the things that concern that community. I think  
2 one of the reasons why communities stay separate or  
3 they don't talk much to one another is because they  
4 think they have nothing to talk about. You  
5 couldn't possibly understand my struggle as an  
6 immigrant. You couldn't possibly understand my  
7 struggle as such and such.

8           And I think that there needs to be --  
9 sometimes the commissioner, he or she could do it.  
10 But very often I think if the Commission is working  
11 with community, for lack of a better word,  
12 stakeholders, people who can be honest brokers, who  
13 talk between and with all the groups.

14           Again, I'll use the example of it, Asian-  
15 Pacific advocacy organization and an AIDS group  
16 where we discovered that there are definitely  
17 things we can talk about. And after that  
18 experience, anytime I wanted to talk to them about  
19 something that was unrelated to immigration, maybe  
20 was something else entirely, I could pick up the  
21 phone and talk to those groups and say, "Listen,  
22 you know who I am. You know my bona fides. You  
23 know I've got no axe to grind here. Here is my  
24 position about what I'm trying to do. Can you help  
25 me?"

1           And that outreach from one person who has  
2 worked with me before and trusts me from before can  
3 say, "Listen, okay, I don't agree with you, but let  
4 me -- let me -- let me see if I understand what  
5 you're saying to me. I mean, see if I can  
6 understand what you're looking for." And that  
7 entrée, that expression of goodwill, knowing that  
8 you are trying to do something hopefully for  
9 everybody's good, for everybody's betterment, if  
10 you want to talk about the Commission for  
11 California.

12           If -- I'm hoping that as we speak, as we  
13 communicate, as we talk about what's important to  
14 us, if the other people who are listening to us  
15 hear that and hopefully hear the sincerity of it,  
16 we mean it, then I'm hoping that those lines of  
17 communication, maybe not instantly, but slowly,  
18 would open so that we could talk to them about what  
19 their concerns are, where the communities are. Why  
20 they don't vote. Why they can't reach their  
21 elected official. What are those barriers? How do  
22 we do better? And I realize not, the Commission  
23 can't address all of that. I'm not sure that's the  
24 job, but it would be nice if it were, but it's not.  
25 But to at least stay open to what those concerns

1 are and perhaps address them in some way through  
2 how we draw the lines for the various opposite.

3 CHAIR DICKISON: Okay. Thank you for  
4 that.

5 So you did talk about talking with leaders  
6 or people that speak with -- for the communities.

7 Something that last Commission noted was  
8 there were times when they thought some of the  
9 public comments and information they were receiving  
10 was from groups or people that were representing  
11 themselves as part of a community when they really  
12 weren't.

13 From your experiences, what can the  
14 Commission do to guard against that?

15 MR. FONG: Another tough question. I think  
16 we live in a time now, and I'm not so sure this was  
17 as relevant or as big a problem as it could be this  
18 time given that ten years ago the Internet was not  
19 nearly as full of trolls and misinformation as I  
20 suspect that it is now. So I'm not sure how we're  
21 going to be able to  
22 attach -- attack all of that.

23 One thing, again, I'll come back to the  
24 idea about communicating with one another within  
25 the Commission to not only if we hear something but



1 test it among ourselves. Is this the way you read  
2 this? Did you see this too? Where did it come  
3 from? Where can we learn more about it? Is this  
4 really true? In other words, testing with veracity  
5 of the thing that we're seeing. Because I'm  
6 guessing that a lot of it is misinformation or  
7 somebody that says they represent a group that they  
8 don't truly, they're not a member of, truly aren't  
9 a part of.

10           And, again, I think that there are  
11 probably reliable community brokers who know who is  
12 a member and who's not. I would be hesitant to put  
13 community members in a place where they would have  
14 to vouch for the bona fides of somebody else. That  
15 gets a little strange. But at least I think that  
16 we can use some of that information to inform what  
17 we, as a Commission, might need to do about how we  
18 value, okay, does an incoming piece of information  
19 from Jane Doe who says she represents X, Y, Z. And  
20 as we begin to get our information and develop our  
21 sources of information, we test it among ourselves.

22           We probably shouldn't put a member of the  
23 public behind the 8-ball that way, that's why we're  
24 there. So I would say we need to test it out among  
25 ourselves and try to explain it to one another to

1 see whether we are right or not. I don't know  
2 whether or not support staff of the Commission  
3 could be a help in that either. If they could,  
4 that would be great. I don't know enough about how  
5 the support staff structure is or will work, but  
6 that might be something, too, as a research arm.

7 CHAIR DICKISON: Thank you.

8 What -- do you think there's a role for  
9 advocacy within the Commission?

10 MR. FONG: Wow. I think I would rather  
11 say that there's a role for information. I have to  
12 be careful here because I incompletely understand  
13 the role of the commissioners in the sense that are  
14 we drawing lines to keep communities together? Are  
15 we drawing lines so that each community has a few  
16 Republicans and a few Democrats and a few  
17 Independents? Or are we trying to keep communities  
18 together? What exactly are the goals?

19 And I don't pretend to know all of that  
20 the way I should because I don't. But it seems to  
21 me that when people come to us and say, "Look,  
22 here's where the communities are, here's where  
23 people go to school. Here are the unions people  
24 belong to. Here are the organizations that people  
25 belong to. Here's the major industry in an area."

1 That is information we can use. How we apply it in  
2 terms of what districts need to be where, that's  
3 probably the burden that should be on the shoulders  
4 of the commissioners.

5 In my mind, advocacy is somebody that  
6 says, I want you to draw the line here. Because  
7 immediately I'm thinking why do you want me to draw  
8 the line there? I may be thinking about fair  
9 representation, you may be thinking about excluding  
10 somebody's group from being represented or being  
11 able to elect their own representative. And I  
12 don't know that. I don't -- I don't know, I don't  
13 know the bias. I don't the agenda of that  
14 individual so that does concern me. So, yes,  
15 information. Yes, talk to me about where you think  
16 communities are. Talk to me about where they're  
17 not. Talk to me about what churches and schools  
18 they go to and how they commute. Lovely.

19 I don't know what the role would be of  
20 advocacy in that sense. Now I can image where they  
21 would say, "Well, we're printing out some proposed  
22 maps, here they are. And then somebody will go,  
23 no, no, no, look at what you've done here, you've  
24 drawn the line here and what you -- the result of  
25 your line drawing is X, Y, Z." I could see that

1 because that's correcting an information lack or an  
2 interpretation lack on my part.

3 But advocacy makes me nervous in this  
4 context. I mean, I'm a lawyer. Advocacy makes me  
5 nervous in this context because it invites me to  
6 think that somebody has an axe to grind at somebody  
7 else's expense. And so I would be very careful  
8 about that.

9 CHAIR DICKISON: Thank you.

10 MS. PELLMAN: We have 4, oh, sorry, 4  
11 minutes, 20 seconds remaining.

12 CHAIR DICKISON: Oh, thank you.

13 Given your background, what role would you  
14 think you would play on the Commission?

15 MR. FONG: Oh. Well I do like the idea,  
16 it's what I do here at my work, of listening to  
17 people's stories. Listening to how they live their  
18 lives, where they go to school, what their kids are  
19 doing. I love that stuff. I realize it's not  
20 always the bread and butter of lawyers, but I love  
21 that stuff. So whether it's electronically or face  
22 to face in this new coronavirus age, I look forward  
23 to being able to get that information. Because I  
24 have lived all over California and indeed in many  
25 places throughout the country and the world, but I

1 love this state.

2           And there are places, there are parts of  
3 it I know nothing -- I hate to say this, that I  
4 know about. When I think about the far north and  
5 some of the areas up against the Pacific Coast and  
6 the Oregon border, they're like a mystery to me.  
7 And I would love to learn more about those areas.  
8 Who's there? What makes them tick? And I'm  
9 guessing that they're really different than people  
10 here in Los Angeles. Or out in the desert. And I  
11 would love to learn that. I would love to be able  
12 to gain a perspective and what that means. And  
13 then apply that to the task that we would have.  
14 So, yes, talking to people and listening to people  
15 would be one thing I would love to do.

16           I love, as a little kid, I was fascinated  
17 with maps. And I don't know why. But you know you  
18 get those big Atlas and you're sitting there like a  
19 child looking at all the, where the lines are and  
20 where the big dots and the little dots and I found  
21 it fascinating. Where we draw the line. How we  
22 draw those lines. And what they mean. So, for me,  
23 although I will not present myself as a master of  
24 data, I would be able to take the data we have, I  
25 mean I can certainly understand that well enough,

1 and try to apply it to the map that's in front of  
2 us. And that replicating the road, the application  
3 of the data to the map is something that would be  
4 lots of fun, I think. Lots of fun.

5 CHAIR DICKISON: Thank you.

6 I think you have less than two minutes,  
7 but you said you wanted to ensure that we, that the  
8 maps that were drawn were defensible.

9 What steps could the Commission take to do  
10 that?

11 MR. FONG: Well, as I mentioned, the maps  
12 have to be defensible. And the first place it  
13 starts is among the commissioners themselves. If  
14 the maps don't make sense, if we've drawn a line  
15 that is illogical, that is not based on the data,  
16 it is not based on the law, it's an outlier in some  
17 way. I think, first of all, that if we  
18 are -- if we have built up a rapport among us  
19 that's strong enough, we should be able to say to  
20 one another, listen, I don't know how this got  
21 here, but this can't be here. This doesn't, this  
22 neither meets the law nor the data nor the  
23 community stories we've heard. Why are we putting  
24 it there? And to be able to question ourselves.

25 With knowing what each of our biases is,

1 knowing that we all have different viewpoints about  
2 the way the world is, to be able to question  
3 ourselves and say why is this here with the idea  
4 that at some point, as I understand it, the last  
5 Commission's map got litigated all over the place  
6 and I'm guessing this one's going to get litigated  
7 too. Each member of the Commission, even if he or  
8 she says, well, you know what, I really wanted the  
9 line to be here but we drew it here and I get it.  
10 I  
11 understand --

12 MS. PELLMAN: Thirty seconds remaining.

13 MR. FONG: -- why it's here. We could  
14 have done it here, but we did it here. And even  
15 though I may not have agreed with it, I understand  
16 why. And each of us needs to be in a position  
17 where we could say we understand why that line was  
18 drawn. Because the next step is to be -- is being  
19 able to say that to the community, to the state,  
20 and presumably eventually to a judge.

21 So I do think that the first step is to  
22 being able to explain it to one another. If the  
23 lines we have drawn are sensible and in line with  
24 the data and the law, I'm --

25 MS. PELLMAN: That's 20 minutes time.

1           MR. FONG: -- guessing that the  
2 community -- the community will understand it as  
3 well.

4           So that's how I think how we do it. We  
5 test the lines amongst ourselves first so we  
6 understand what we've done and why we've done it.

7           CHAIR DICKISON: Thank you.

8           Mr. Belnap, the time is yours.

9           PANEL MEMBER BELNAP: Good afternoon, Mr.  
10 Fong.

11          MR. FONG: Good morning -- good afternoon,  
12 sorry.

13          PANEL MEMBER BELNAP: Yeah.

14          Can you describe some of your typical or  
15 common clients that you're working with in your  
16 immigration law practice?

17          MR. FONG: Sure. It's very, very  
18 interesting because first of all, there's an office  
19 in Pasadena, there's an office in Palm Springs.  
20 And the clientele in Palm Springs is radically  
21 different, polarized even.

22          First of all, I have quite a number of  
23 people who are retired people. Typically, not  
24 always, but pretty typically well-to-do. And they  
25 may have married somebody and want to bring in a



1 spouse in from another country or they want to hire  
2 a maid or they want to do something like that.

3           The way they act, the way they perform,  
4 the level of service that they require, the level  
5 of handholding that they need, and indeed the  
6 amount of law I need to explain to them is very  
7 different than the clients who come from down  
8 valley, the Coachella Valley, who are from Indio  
9 and from Coachella, and those folks, first of all,  
10 many of them don't speak English. As I'm sure you  
11 know the Coachella Valley is right by Imperial.  
12 People come up all the time from Mexico. These are  
13 workers, they are people with a very different  
14 educational level. So many of them are applying  
15 for asylum, they're not applying for their maid.  
16 Many of them are applying because their son or  
17 daughter is born in the United States so sending  
18 your boy or daughter is going to apply for mommy  
19 and daddy, as opposed to a spouse or a maid.

20           So the nature of what we need to explain,  
21 what needs to be done, the nature of the  
22 handholding is extraordinarily different. The  
23 demands on me in terms of how I behave to them is  
24 extraordinarily different. It means both that I  
25 must talk like a corporate lawyer to many of the

1 people in Palm Desert who expect a corporate  
2 lawyer, as well as talk like somebody who, hey, I  
3 understand and I'm -- I understand the language, I  
4 can speak with you. I'm still your lawyer, but I  
5 can speak with you. I count myself as part of the  
6 community even if perhaps an imperfect one.

7           So I try to, the word I don't want to use  
8 is code switch, but it really is. There's a  
9 language, an attitude, a different way that you  
10 talk to people. Because like all grownups, we  
11 adjust our message and how we speak with the  
12 audience that we're talking to. I, not  
13 surprisingly, I talk to you differently than I talk  
14 to my Auntie Daisy. It's just different. So all  
15 grownups do it. You have to do that to communicate  
16 clearly.

17           Here at the Pasadena office, again, it is  
18 very different. It's a little bit more homogenous  
19 in that sense, there's not the big extremes. Also  
20 because of the San Gabriel Valley here, I get a lot  
21 of Asians whereas there are fewer Asians, Asian-  
22 Americans in the Coachella Valley and the Palm  
23 Springs area.

24           I get lot more investor visas here, which  
25 is to say I get people who say, "You know, I'm from

1 France and I want to open a business in San  
2 Gabriel. What do I need to do? How can I organize  
3 it?" And interestingly, these are business people  
4 so when I talk to them business, because I used to  
5 do corporate work, I can quack like that duck.

6 Then more importantly what you learn is  
7 that people from other countries, when they come to  
8 the United States, they go -- a good example, I had  
9 a client to me say to -- say to me just very  
10 recently, what do you mean employment contract? So  
11 we're in California. You hire somebody, you hire  
12 them. You fire somebody, you fire them. But where  
13 we're from, everybody needs a contract. No, you  
14 can have one if you want to, but no. You mean that  
15 I can hire people and I don't need to write a  
16 contract? No. I mean, you'd be smart to have at  
17 least a good job description. But, no. And it was  
18 stunning, there was this revelation on their part  
19 that we do business differently. I'm not saying  
20 we're better or worse, but we do it differently.

21 So part of the job is explaining our ways  
22 to somebody who's coming into the system. So I do  
23 that a lot, it's part of the job. Explaining what  
24 the job is, explaining the conditions into which  
25 these people are walking. Giving cautionary

1 lessons about be careful about X, Y, Z, something I  
2 do a lot too. So, yes, there's a very different  
3 level of communication. And I do it all.

4 PANEL MEMBER BELNAP: All right. Thank  
5 you.

6 So you have the clients on one -- on one  
7 side and you are petitioning I'm assuming  
8 government entities or cities, counties, or  
9 federal. Who are you -- what agencies are you  
10 dealing with in this world?

11 MR. FONG: Sure. A very typical case  
12 would be, let's say an American who has a foreign  
13 spouse and wants to bring them to the United  
14 States. So you initially deal with the U.S.  
15 Citizenship and Immigration Services. You see  
16 offices here and there. And then you file a  
17 petition with them that says this is an American  
18 who's married to the foreigner. So you have to  
19 show them that the foreigner, that they're really  
20 married and that they both consented to marriage  
21 and that it's a real marriage. Are they in a real  
22 relationship?

23 After that, they need to apply for the  
24 visa, immigrant visa. That's typically done at a  
25 U.S. Embassy or U.S. Consulate General. That's

1 part of the Department of State. So suddenly the  
2 application that was part of the Department of  
3 Homeland Security now moves to the Department of  
4 State. State Department is a very different animal  
5 and acts very differently than the Department of  
6 Homeland Security.

7           And then finally when the person does get  
8 that visa and is able to come to the United States,  
9 they land in the United States and have to go  
10 through the Port of Entry which is run by Customs  
11 and Border Protection. Again, a different agency  
12 entirely. So you have to prepare them for that  
13 experience as well.

14           So at each of those stages, I'm required  
15 to talk to these people about how to approach the  
16 interviewer, what to talk about, what materials to  
17 have, what that particular agency is interested and  
18 looking for, what they really find irrelevant that  
19 you don't need to mention, so that they can talk  
20 intelligently and speak to the concerns that that  
21 agency has. Because each agency will look at  
22 something a little bit differently.

23           And that's true whether it's a marriage  
24 case or, for example, a labor case where let's say  
25 you want to bring a nurse to the United States, you

1 have a clinic in East L.A. and you need to bring a  
2 Spanish-speaking nurse. Or a Creole-speaking nurse  
3 and you want to bring somebody in that way. So  
4 then you would begin with the California licensing  
5 authorities to make sure that this nurse is  
6 qualified to practice in the United States. That  
7 kind of thing.

8           So you do end up doing a lot of  
9 bureaucratic speak as well and translating that  
10 bureaucratic speak so that your client can  
11 understand it.

12           PANEL MEMBER BELNAP: All right. Thank  
13 you.

14           So in your essay on impartiality, you  
15 speak to your experience and credentials as an  
16 attorney.

17           How does an attorney who represents the  
18 interest of their clients also have to exercise  
19 impartiality?

20           MR. FONG: Well there are two pieces to  
21 that. Number one is, I very often see a client who  
22 wants me to do something for them and it's simply  
23 not possible. I should step back a little from  
24 this because there are some clients especially some  
25 that are perhaps not as well-off as others

1 financially.

2 I guess I can talk about the Mexican  
3 community generally. This is a community that's  
4 had a lot of disappointment and a lot of  
5 bitterness. So when somebody tells them, I'm  
6 sorry, senior, there's nothing I can for you. And  
7 he'll just kind of take my word for it and kind of  
8 sort of just say, "Oh, well, what about this? I  
9 heard about that. What about that?" And I'll  
10 explain, no, this doesn't apply to you, that  
11 doesn't apply to you. And he'll just go away.  
12 He'll just go away.

13 Whereas a businessperson who says I want  
14 to open up a business or open a new restaurant in  
15 Beverly Hills, you make it happen for me. And I'll  
16 have to say, "The way you're doing it, the way  
17 you've got it planned, the business plan you've  
18 got, the business model you're using, the source of  
19 your funding is wrong. It simply will not fly."  
20 And I've had people offer me embarrassing amounts  
21 of money say, "No, you're the attorney, you've got  
22 a Yale degree hanging on the wall, you make it  
23 happen."

24 And I have to say, "I mean, as tempting as  
25 the money is, I'm only human, but the answer is no.

1 The law doesn't allow for that. I'm not going to  
2 go to bat for this." This is not what the -- first  
3 of all, it's not my job to change the law. My job  
4 is to follow the law. I will be glad to help you  
5 within the law with whatever you want.

6 But that doesn't work and if you want me  
7 to make it work for you that way, I will be lying  
8 to you. To say to you, oh, sure, I can have you  
9 create your restaurant and get an investor visa, I  
10 can help you with that. You'll pay me oodles of  
11 noodles for that work and you'll get your visa.  
12 And it would be just as easy to say, "Oh, you know  
13 what, we did it. You've paid me, but oh my  
14 goodness, the Department of Labor and the  
15 Immigration Department didn't accept your  
16 application. Thank you very much. It was a nice  
17 good old college try." And I get to take the money  
18 to the bank. That's not right either. Because I  
19 knew from the beginning that this wasn't going to  
20 fly.

21 So there are times when a client will beg  
22 me, a mother or a father will beg me, can I do  
23 this? And I have to say no. And I have to say no  
24 to the rich and famous too. Both for very similar  
25 reasons. The law does not permit that and that's



1 not my rule.

2 PANEL MEMBER BELNAP: All right. Thank  
3 you.

4 So still on the subject of impartiality,  
5 can --

6 MR. FONG: Sure.

7 PANEL MEMBER BELNAP: -- you think of and  
8 describe for us another instance in your life  
9 outside of your law practice where you had to set  
10 aside your personal views to achieve a broader  
11 objective?

12 MR. FONG: Yes. A very small but recent  
13 one. Right now there's quite a bit of work in the  
14 office in a variety of different areas. And  
15 there's quite a lot of work to do.

16 Around the time that Mayor News -- Mayor  
17 Breed up in San Francisco said you know what, we  
18 need to shut the city down. L.A. hadn't done so  
19 yet. The numbers we can watch the news, we all see  
20 what the numbers were doing with COVID-19. And I  
21 was very worried. We have, not surprisingly, had a  
22 lot of foreigners coming in and out of the office.  
23 Because of the work we're doing, we have contact  
24 with all kinds of people from all different walks  
25 of life. We receive documents and things all the

1 time. And I was getting more and more worried  
2 about exposure, not just to myself, I'm a little  
3 older than some of the people in the office, but to  
4 everybody else in the office. I mean, we're a  
5 small office, but I was still very worried about  
6 it.

7           At one point I had -- I was concerned also  
8 because with the amount of work in the office,  
9 there is a lot of money at stake, there's a lot of  
10 work to do. Some of it would be very awkward to do  
11 electronically from home.

12           Also we're a firm that likes -- one of our  
13 hallmarks that we pride ourselves on is meeting the  
14 people face to face, talking to them so they can  
15 see us, they can feel us, they know that we're here  
16 with them. Especially for the families, that makes  
17 a big difference. We pride ourselves on this. And  
18 to say suddenly that we're going to close the  
19 office, not be around, I got flak from two or  
20 three other people in the office about doing that.  
21 Why don't we wait a little while? And then of  
22 course by Friday,  
23 the -- the City of Los Angeles said no, we're in  
24 this, too, you've got to close down.

25           So for us, I had decided early, middle of

1 the week that we were going to close the office.  
2 We did so both in the Palm Springs Office where I  
3 normally spend most of my time and here in Palm  
4 Springs -- pardon me, here in Pasadena. Because it  
5 just, it was impractical. At the time we  
6 had -- the state hadn't closed everyone down, mayor  
7 of our city hadn't closed the city down, it was  
8 just my judgment call that we're going to have to  
9 do this sooner rather than later, and we should do  
10 it.

11           So although I did have to sit down with my  
12 colleagues and reach a decision together. The way  
13 we reached it was to say look, yes, our case is at  
14 the office; yes, there's lots of work to do and  
15 it's going to be really awkward to do this work  
16 from home. But what was very concerning to me was  
17 everybody's health. And there's no price you can  
18 put on it.

19           And despite the fact that one or the other  
20 attorneys came to me and said well, there's this  
21 money and this money, we collect this, we collect  
22 this, and there's about three new cases coming in.  
23 We had to make a decision. And we had to make it  
24 based on the data, which is to say the appearance  
25 of the numbers going up, the appearance of the

1 number of deaths. The --  
2 even -- I'm not a doctor, I'm not an  
3 epidemiologist. It's only common sense that if you  
4 are not out there spreading the virus and receiving  
5 it from other people, that you will begin to put a  
6 stop to this.

7           So although it was not in our financial  
8 interest and it was not even in the interest of the  
9 way we practice law, our style, if you will. Even  
10 before Governor Newsom said, "You know, we need to  
11 -- we need to stop everything but essential  
12 services, we decide here -- decided here in our  
13 office two or three days early that we were going  
14 to do that for just that reason. We looked at it  
15 and realized the data leads us to one conclusion  
16 notwithstanding our own personal interest.

17           So although there was a bit of a fight in  
18 the office about it, we -- that's what we did.

19           PANEL MEMBER BELNAP: All right. Thank  
20 you.

21           Madame Secretary, time check.

22           MS. PELLMAN: Five minutes, 10 seconds  
23 remaining.

24           PANEL MEMBER BELNAP: Okay.

25           In your law practice, have you ever worked

1 on voting rights issues?

2 MR. FONG: I have not. It had always been  
3 interesting to me. I've read a number of the  
4 cases. Like all good law students, especially my  
5 strongest interest was in constitutional law and  
6 what are called civil rights, if you will. But  
7 that's been my interest, my strong interest. So  
8 yes, I've done a lot of reading in that area; but  
9 no, I have never practiced in that area.

10 PANEL MEMBER BELNAP: Okay. Thank you.

11 And my last question is, why do you think  
12 your interests have lied in the protection of the  
13 rights of underrepresented groups in civil rights?

14 MR. FONG: Well I guess that would be very  
15 easy for me to say, "Well, you know, as a gay  
16 Asian-American of a certain age, there are all  
17 kinds of groups that I fall into and I want to be  
18 an advocate for the things I believe in." I  
19 suppose it would be easy enough to do that.

20 Truth to tell, it is a little bit  
21 embarrassing but it's also true that I decided I  
22 wanted to be a lawyer when -- about as soon as I  
23 could say the word three times correctly in  
24 succession. I saw *To Kill a Mockingbird*, I read it  
25 in seventh grade with Ms. Gunderson in junior high

1 school and that was the end. I knew that -- that  
2 the other people's rights, the Constitution, was a  
3 big deal. I mean, really a big deal.

4           Growing up in Solano County, it doesn't  
5 matter today but when I was six years old, I was  
6 walking down Texas Street and somebody spat on me  
7 and called me a nasty name. And when you're six or  
8 seven years old, it's what's this about? I mean, I  
9 didn't -- I -- you know, it's funny because the  
10 school that I went to, there were Mexican kids,  
11 there were Spanish kids, there were Chinese kids,  
12 there were a couple of Japanese kids. And I just  
13 didn't think race, I thought it was a nationality.  
14 I didn't -- I didn't have an understanding of that.

15           So when my mom was trying to explain to me  
16 why this man did this, I didn't understand. And in  
17 a certain naïve way, I don't understand today. The  
18 truth is, is that after I read To Kill a  
19 Mockingbird, I wanted to do this. Because the  
20 Constitution is the one place that made us -- that  
21 made it all fair. That made us all equal. That  
22 gave us all a chance. That -- that -- somebody  
23 couldn't over there make up their own rules. And  
24 somebody over there couldn't just decide what he  
25 thought of me based on their

1 own -- the pricking of their thumbs. This is one  
2 document that we all we all tip our cap to.  
3 This is the one document and the law that brings us  
4 together.

5 And so as Pollyannaish as that sounds,  
6 that's why I got into this work, that's why I got  
7 out of corporate work and then into civil rights  
8 and immigration. And although I'm getting close to  
9 the point where I was thinking of retiring when a  
10 friend of mine said you should think about this  
11 Commission. I decided that it was something that I  
12 would try to toss my hat in for.

13 PANEL MEMBER BELNAP: Okay. Thank you.

14 Madame Chair, no further questions.

15 CHAIR DICKISON: Thank you, Mr. Belnap.

16 Mr. Coe, the time is yours.

17 PANEL MEMBER COE: Thank you, Madame  
18 Chair.

19 MR. FONG: Thank you.

20 PANEL MEMBER COE: Mr. Fong, good  
21 afternoon to you. Thank you for taking the time to  
22 speak with us today.

23 MR. FONG: Thank you.

24 PANEL MEMBER COE: So you mentioned in  
25 your application that in 2011 you were ordained as

1 a monk --

2 MR. FONG: Yes.

3 PANEL MEMBER COE: In School of Zen  
4 Buddhism. For those of us who don't know, what  
5 does it actually mean to be an ordained monk?

6 MR. FONG: An ordained monk is a person  
7 who has -- in a Catholic environment, they might  
8 say that they have been -- that they have gone  
9 through instruction, that they have taken  
10 Communion. But there are a few more steps as far  
11 as Buddhists are concerned.

12 Basically, there are 16 vows that a  
13 Buddhist monk takes. You know, you don't lie, you  
14 don't steal, you don't do drugs, you don't do  
15 anything that will interfere with your perception  
16 of reality. There are 16 of them. So those 16 as  
17 for a monk, those are the 16 that I took.

18 I'm not on my way to anything in sense of  
19 oh, are you going to become a teacher? Are you  
20 going to become a priest? No. It was just  
21 something that I realized that although my  
22 family -- I grew up Christian. My family also  
23 observed many customs from China that were at the  
24 time were very mysterious and I realized that they  
25 were Buddhist in origin.



1           And as I began to get closer to some of my  
2 roots and understanding a little bit better, I  
3 realized that this is sort of where my heart and my  
4 faith belonged. So I started studying earlier  
5 right after 2000 and then was ready to take my vows  
6 in 2007. So that's what I did.

7           PANEL MEMBER COE: Thank you.

8           Do you think that there are any, the  
9 principles or the skills or the traits of -- from  
10 that that would be particularly beneficial to the  
11 work of the Commission?

12           MR. FONG: Oddly, I do. But it's a  
13 very -- it's a very secular principle.

14           Buddhists talk a lot about what we don't  
15 know. Everybody talks about oh, well, I know this  
16 and I know that. And I studied this and I studied  
17 that. The example of the man who wants to go and  
18 learn the meaning of the universe. And over and  
19 over again every good Buddhist, every Buddhist  
20 teacher, every Buddhist priest will tell you there  
21 are a million things you don't know. And you have  
22 to be open to sharing them, including the lessons  
23 you don't want to hear. The things that you don't  
24 like to hear that may not necessarily be a part of  
25 your experience or a part of your politics or

1 whatever. It doesn't matter.

2           And so you have to be open to what you  
3 don't know. Learning to recognize this is  
4 something that I don't know. And being open to it.  
5 Because things that you don't know, like those 12.5  
6 million books in the Yale library, I'm never going  
7 to know all that. So I need to be open to it,  
8 somebody may know some of it, and I should be  
9 willing to hear it and learn from it and listen to  
10 it.

11           So that's one of the central tenets of  
12 Buddhism is that -- that one, nothing is permanent;  
13 and two, there's an awful lot you don't know.  
14 Those are -- those are the two I think I would use.

15           PANEL MEMBER COE: Thank you for that.

16           In your essay on impartiality, you say  
17 that you've learned that creating a safe space to  
18 listen and hear is vital to all regardless of  
19 belief.

20           How does one go about creating such a safe  
21 space?

22           MR. FONG: At least in my view when I  
23 think about here in the office talking to clients  
24 or even in larger groups when you're talking to a  
25 group of students at UCLA when there's 400 people

1 in the room, maybe not. But when you are with a  
2 small group of people, you need to be able to  
3 communicate the idea that I am listening to you,  
4 that I am hearing you, and that if there's  
5 something new that you're saying to me, that I can  
6 communicate to you that I'm listening to it and  
7 learning from it.

8           It may be -- a lot of it I suspect may  
9 be -- it's not a technique in the sense of well you  
10 arrange the room a certain way, you use certain  
11 magic words. A lot of it is people contact, how I  
12 talk to you, letting you know even if I think  
13 differently, that I'm still listening to you and  
14 that I haven't shut myself off.

15           So part of it is, is the same thing that I  
16 think people say that there are -- that -- and I  
17 haven't met enough of them, politicians have. Many  
18 certain politicians are said to have a charisma  
19 that when you sit and listen to them, you just know  
20 that they are right there, you just know they're  
21 listening to you, you just know that they get you  
22 in here. Or that when you hear them discuss an  
23 issue, that they get it. And it's about an ability  
24 to communicate that and let the person know that  
25 you are listening, that you're not going through

1 the motions, that it matters.

2           Sometimes it means following up. If  
3 somebody asks a question, I'm not quite sure how  
4 this would work in a given situation, but if  
5 somebody says well, wait a minute, what are you  
6 going to do with this data, and what do you want to  
7 find out about this community? I would be very  
8 happy and willing, assuming that the format for our  
9 work allows it, to say I need to get back with you.  
10 I need to follow up. And then do it so that they  
11 are very clear that you've heard them, you've heard  
12 the question, and you're willing to take a stab at  
13 the answer. So I think that's important. A lot of  
14 it is attitude and maybe not charisma in my case  
15 but attitude.

16           PANEL MEMBER COE: Thank you.

17           And in the same essay on impartiality, you  
18 state that you have -- you've provided legal  
19 assistance to those that you disliked, but you  
20 never advocated positions that you were convinced  
21 that are less than good for the community at large.

22           As a commissioner, how would you handle a  
23 situation where the perspectives of others, either  
24 maybe your fellow commissioners or somebody from  
25 the public, was advocating for a position that you

1 personally didn't approve of?

2 MR. FONG: I think I would fall back on  
3 the three things I keep doing this that I started  
4 with, the law, the data, and what people are  
5 telling me.

6 Now you've just given me a situation where  
7 somebody said, "I think it should be this way, I  
8 see it this way, I think the community needs this."  
9 So that's part of the intake. And I -- I think  
10 that if somebody from Ukiah told me this is the way  
11 our community is set up, this is where people live,  
12 this is where people commute, this is where people  
13 work, these are the companies that are local. I'm  
14 not in the position to gainsay that and I have to  
15 be that open cup to receive those -- that  
16 information.

17 What I am allowed to do is to take my  
18 knowledge of the law, what my task is to draw these  
19 lines, to draw them wisely, to draw them fairly, to  
20 take the law -- to take the data to see whether or  
21 not what this person is talking to me about makes  
22 sense, whether it rings true, and whether or not a  
23 line should go here or here.

24 But I'm not in the position, especially if  
25 I don't know myself and if the data doesn't

1 contradict it, I'm not in any position to tell this  
2 person you're wrong, I'm right, I draw the line  
3 where I want to. Because that's not my role.

4           For the same way where somebody comes to  
5 me and says listen, I want to do -- I want to do an  
6 investor visa and I want to do it this way, I can  
7 tell you exactly -- I can read you chapter and  
8 verse what it says about you're not being able to  
9 do that. The law says you cannot accomplish it  
10 that way. And so I would simply have to say so.

11           So the same way here, I would have to be  
12 open to considering it simply because I think that  
13 the law permits it, the data supports it and the  
14 community -- some of the community anyway is in  
15 favor it. So I think I would have to look at that  
16 and at least take that to heart.

17           PANEL MEMBER COE: Thank you.

18           So you've spent most of your career as an  
19 immigration attorney working with people from all  
20 over the world, diverse backgrounds.

21           I'm wondering if you can tell us what it  
22 is in your 30 or so years doing this that you've  
23 learned about the variety of desires and concerns  
24 and perspectives that such diverse people, groups  
25 of people have that would make you an effective

1 representative for those groups of people all over  
2 the state of California.

3 MR. FONG: On the one hand I have learned  
4 that for all the variety, and there's a lot of  
5 variety out there, people are basically the same.  
6 I don't want to equalize everybody but their --  
7 their -- their daily concerns, their daily needs,  
8 the thing -- the -- not the thing but the things  
9 that motivate and drive them are very similar. And  
10 if not the same, similar.

11 But I think changes is the style. How  
12 people express their need to save money. How  
13 people express their desires for their children.  
14 Some groups stereotypically all want their children  
15 to be doctors. Some groups stereotypically say oh,  
16 no, I want my -- everybody is different in that  
17 sense in style. Where custom leads us, where our  
18 local practice leads us, where our local -- the way  
19 our communities have grown, the way these local  
20 industries have grown. Those style issues change.  
21 But the basic needs of people and  
22 their -- the fundamentals of people, those things  
23 are the same.

24 The way a client will come in to me and  
25 say I want to accomplish X, whether it's to start

1 up a company or to bring my family over from the  
2 old country. They may all say it with different  
3 accents and different ways and what have you. But  
4 I've learned is that how to communicate with them  
5 about what they need to do to accomplish that,  
6 although I very often do need to code switch, to  
7 tell it, tell the story in a way that they can  
8 understand because culturally the place of where  
9 we're listening from is often very different. I  
10 need to be able to make sure that they understand  
11 what's needed. If you want to accomplish X, you  
12 need to share these here, we need to do it this way  
13 because this is what the law and our customs  
14 require.

15           So in that sense it is about communicating  
16 clearly, realizing that the  
17 person -- the person that I am communicating with  
18 may speak with an accent but doesn't understand  
19 with an accent. The needs are the same, it's just  
20 that very often our perspectives about  
21 what -- like the fact that in every country -- in  
22 this particular country, everybody has an  
23 employment contract even down to the person  
24 who -- the janitor and the person who's in the  
25 CEO's position, they both have a contract. We



1 don't do it that way often.

2           So it's about explaining those  
3 differences, explaining the places where we are the  
4 same, and then allowing them to sort of adjust  
5 based on what they think their needs are. So, yes,  
6 I think that -- that communicating with different  
7 people from different cultures, different  
8 languages, different religions, different business  
9 practices, all means that a good communicator  
10 indicates a buy off of a good immigration lawyer.  
11 What we try to do is to make sure that as we  
12 explain you want to do X, Y, Z. In order to get to  
13 that goal, you have to do certain things. Because  
14 our way in the United States, there are certain  
15 rules you have to follow. So I'm going to explain  
16 to you hopefully in a way that you can understand  
17 what you need to do. And so I'm going to make a  
18 list for you, we're going to go over it two or  
19 three times so that you can meet the requirements  
20 of our law and accomplish what you want.

21           So it is about that translation function  
22 that I think is really important. I've been doing  
23 it for a long time. I enjoy doing it. Because  
24 sometimes it is a puzzle. When you talk to  
25 somebody -- if you've done this before, I'm sure

1 you know it. You talk to somebody and you realize  
2 their eyes glaze over, they're either not listening  
3 to you anymore or they just don't get it. And you  
4 can see it in their face, they just don't get it.

5           So you have -- if you're not sensitive to  
6 that, you just keep talking. Sometimes you have to  
7 change the language, code switch, describe  
8 something in a way that makes sense. Describe it  
9 in a way that even if I haven't lived up in farm  
10 country for a long time, there are certain ways I  
11 can explain that that might make more sense to you.

12           And that would be a way to cross a barrier  
13 to explain something in a different way. And if  
14 that doesn't work, to try another way. Because the  
15 Commission does have to effectively communicate  
16 with the people that we are trying to draw these  
17 lines for.

18           So I think that if we communicate one way  
19 and it doesn't work, we have to be prepared to do  
20 it in several different ways. And I certainly do  
21 that all the time in this office.

22           PANEL MEMBER COE: Okay. Thank you.

23           Earlier I think in some of the questions  
24 Ms. Dickison asked you, you were mentioning what  
25 you would really enjoy of the position if you were

1 to be on the Commission.

2 I'm going to go with the opposite of that  
3 and ask you what do you think you would struggle  
4 with if you were a member of this Commission?

5 MR. FONG: I mentioned earlier that I'm  
6 not a great numbers person, that's why I'm not an  
7 accountant. I -- I -- I'm not a huge numbers  
8 person. I am very good at, I think, I am very good  
9 at analysis. So although when you say well,  
10 there's numbers, there's a page of numbers here.  
11 But if you provide me with a contact. Okay. Okay,  
12 this is the population of every city, this is the  
13 population of every area, this is the population of  
14 a current senate district. You know. This is the  
15 population breakdown. I can certainly make sense of  
16 that, that part doesn't scare me.

17 I think the part that would freak me out a  
18 little more, it's for example, the part of the job  
19 that would actually scare me more is the job that  
20 your assistant Christian is doing in terms of  
21 helping everybody get connected here, that  
22 technical part of this is beyond my ability, I will  
23 be perfectly honest about that. He does a great  
24 job, I couldn't do it.

25 So when you talk about the task with

1 respect to this Commission, learning the law,  
2 expressing the law, understanding the law under  
3 which we work, analyzing the data, looking at the  
4 data, taking the map and applying that data to that  
5 map and then going out in the community and testing  
6 our understanding, getting more information about  
7 what they understand how people move, where people  
8 go to school, what they do, where they congregate,  
9 I think I can do that.

10           So although I would be a little hesitant  
11 about the numbers part but numbers in general, the  
12 idea of taking the data and applying to that map I  
13 think would be fascinating.

14           PANEL MEMBER COE: Okay. Thank you very  
15 much, Mr. Fong.

16           Madame Chair, no further questions.

17           MR. FONG: Thank you.

18           CHAIR DICKISON: Thank you, Mr. Coe.

19           Mr. Dawson, do you have any follow-up  
20 questions?

21           MR. DAWSON: Just one. Thank you.

22           Mr. Fong, in your response to Standard  
23 Question 5, you talked about having developed the  
24 BS detector.

25           Can you tell me how you developed this

1 detector, how it works, how you would bring it to  
2 bear in your work on the Commission?

3 MR. FONG: Oh. You know, it's funny  
4 because I'm sure some of you up in Sacramento  
5 probably know the Coro Foundation. When they take  
6 people in, one of the key skills that they try to  
7 teach us is how to interview people, how to  
8 evaluate the information that's coming back from  
9 them. Test it against what you know and then apply  
10 it toward whatever policy issue that you happen to  
11 be working on.

12 Coro is all about policy and making policy  
13 happen. So you may know that one of the first  
14 things that you do, almost the first meeting you  
15 have is your Coro trainer will stick you and your  
16 group into a room with a perfect stranger. And  
17 that -- the only thing that they will say to you is  
18 interview him or interview her. They won't tell  
19 you who they are, what they do, why they do it.  
20 And you have to go at this person and try to build  
21 a picture. And of course there's 12 others -- 11  
22 others of you in this group.

23 And so the -- the BS detector, the crap  
24 detector that my trainer always used to talk about  
25 was it's a little like the question I answered for

1 Mr. Coe a moment ago, some of it is style, some of  
2 it is looking at the person, looking in the eye and  
3 saying -- perhaps not to their face -- but are you  
4 telling me the truth? Does the message you're  
5 giving to me, does the information you're giving to  
6 me match with what I understand what the law, the  
7 data, or in this case, the way the rest of the  
8 state of California works? How government works,  
9 where the funding comes from, where the funding  
10 goes to.

11           The more you know about your task, whether  
12 it's making law, the auditor's office, or the  
13 legislature. The more you know about this, you  
14 begin to develop a sense that somebody -- sometimes  
15 they just don't know. And then there are other  
16 times where you realize they're trying to make this  
17 into something that it's not. And you have to  
18 either correct it, educate them, or realize they're  
19 advocating for something that's quite outside what  
20 you want to do or what is proper.

21           So it is a sense, but it is also testing  
22 it against what you know, testing it against what  
23 you understand about the facts as opposed to your  
24 own opinion. But testing it against facts that you  
25 know you can verify. And then applying your own

1 common sense to asking more questions.

2           When you ask more questions, very often it  
3 allows you to dissect what has been told to you.  
4 And without calling somebody a liar to their face,  
5 you can simply say you can take out little bits,  
6 and little bits here and little bits there until  
7 pretty soon you realize that what's left is  
8 evidence to you and to everybody else as not being  
9 quite right.

10           And sometimes that's the technique you  
11 would have to use just because you don't want to be  
12 nasty to people. So sometimes you have to just  
13 kind of pull the ideas apart.

14           MR. DAWSON: Great. Thank --

15           MS. PELLMAN: You have one minute, 30  
16 seconds remaining.

17           MR. DAWSON: Oh, thank you.

18           Madame Chair, I have no further questions.

19           CHAIR DICKISON: I have no further  
20 questions.

21           PANEL MEMBER BELNAP: I don't have any  
22 other questions either.

23           CHAIR DICKISON: Mr. Coe.

24           PANEL MEMBER COE: Yeah. No further  
25 questions here.

1 MR. DAWSON: Thank you.

2 Mr. Fong, in the time remaining, I would  
3 like to offer you the opportunity to make a closing  
4 statement to the panel, if you wish.

5 MR. FONG: Thank you.

6 Timekeeper, how much time do I have?

7 MS. PELLMAN: You have one minute.

8 MR. FONG: Very good. I'll keep it short.

9 I've said a lot of this already so I don't  
10 need to go over it.

11 There is a lot of talk about American  
12 exceptionalism. And I dare say that within the  
13 American community, we are an exceptional place.  
14 But I would also say that California is an  
15 exceptional place inside the United States.

16 There's an organization that used to be  
17 called Somos Californianos. And I don't actually  
18 know if they exist anymore. But it's we are  
19 Californians, we are California. And I believe in  
20 this place. And my travels around the state have  
21 taught me not only that there's so much here but  
22 that there's so much to learn about it.

23 Our mission is a mission that I see to  
24 this is to create a fair representative map of  
25 districts to represent the people of California.



1 That would be my goal. I would always have the  
2 law, the Constitution, and the facts to back me up.  
3 I don't believe in doing things other ways.  
4 Hopefully we can do something where everybody's  
5 lives are represented.

6 And with that in mind, if I'm selected,  
7 it would be my honor to serve. Thank you.

8 CHAIR DICKISON: Thank you, Mr. Fong.

9 Our next interview is at 9:00 tomorrow  
10 morning. So we are going to recess now until 8:59.

11 (Thereupon the Panel recessed at 4:30 p.m.)

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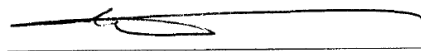
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April 22, 2020

MARTHA L. NELSON, CERT\*\*367