

## Conversation with Nicole Sims

Recording Name:

[E20 COUNTY COUNSEL– CALL WITH NICOLE SIMS  
022821.m4a]

Transcript Prepared By:



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1 Sims: Well, I know you submitted a PRA request, and I think  
2 my -- my name was on some documents that were  
3 disclosed to you, but I can't get into any attorney-  
4 client communications I may have had with the  
5 sheriff's department.

6 Bereki: Okay. So, I'm curious about that. Maybe if you could  
7 shine some light on that. So, I -- I reported the  
8 sheriff's -- to -- to the sheriff's department a  
9 deprivation of my rights, and how is it that the state  
10 has an attorney-client privilege with the people that  
11 are supposed to be protecting my rights? I'm j- --

12 Sims: So --

13 Bereki: -- I'm just curious how that works.

14 Sims: -- are you a- -- what are you asking me? To tell you  
15 what the sheriff told me and what I told the sheriff?

16 Bereki: Um, no. I -- I was just calling to generally speak  
17 with you, because it looked, to me, like you forwarded  
18 the -- the sheriff a copy of the appellate opinion,  
19 and then the sheriff, uh, wrote a -- the investigator  
20 for the sheriff wrote a, uh, supplementary, uh, report  
21 stating that, uh, there didn't appear to be any crime,  
22 and so they were closing the case. So, if one puts  
23 two and two together, if he communicated with you and,  
24 of course, did his own investigation, if -- if there  
25 was something troubling, and, uh -- uh, th- -- then



1 the -- the investigation would not be closed. So, I'm  
2 suspecting --

3 Sims: Well, I can't get into what I -- what I told them. I  
4 can't get into that, and that's attorney-client  
5 privilege.

6 Bereki: Okay. So, what can we talk about? We can talk about  
7 the appellate opinion or we can talk about the  
8 decision that --

9 Sims: But I'm not gonna -- I -- I -- I do think that you  
10 should consult with an attorney about what recourse  
11 you have.

12 Bereki: Okay. I'm -- I'm either going to do that or not do  
13 that, but, as part of that process, I'm reaching out -  
14 -

15 Sims: But I can't get -- I can't get into my thoughts, my  
16 conclusions, what I told the sheriff. That's all part  
17 of the attorney-client privilege.

18 Bereki: Yeah. And so, that's what I'm understanding. So --  
19 so, maybe --

20 Sims: Okay.

21 Bereki: -- if we -- we can't -- we can't talk about that,  
22 perhaps you could explain to me how there's an  
23 attorney-client privilege with the sheriff's  
24 department whom I went to to report a deprivation of  
25 my rights by other public officials. And so, now,



1           there's an attorney-client privilege based -- and --  
2           and the investigation was closed, and the -- those  
3           facts won't be disclosed to me as to what the -- uh,  
4           apparently, your finding was part of that investiga- -  
5           - that closure of that investigation.

6   Sims:       I have no idea about that.

7   Bereki:     Okay. Well, the investigation's closed.

8   Sims:       Well, all I can do -- all I can tell you is that  
9               discussions that I had with the sheriff's department  
10              are protected by the attorney-client privilege.

11   Bereki:    Okay.

12   Sims:       That's all I'm telling you here.

13   Bereki:    Where -- where -- is -- is there a statute or some  
14               other regulation that states that county counsel's  
15               communications with the sheriff's department, in this  
16               instance, are -- fall under the attorney-client  
17               privilege?

18   Sims:       Yes, uh, call into the evidence code. I'm their legal  
19               counsel.

20   Bereki:    Okay. What -- what evidence code are you referring  
21               to?

22   Sims:       Sir, I'm not gonna debate the law with you, okay?

23   Bereki:    Uh, I'm not asking to debate the law.

24   Sims:       The -- the reason I'm calling you back -- the reason  
25               I'm calling you back is to explain to you, because you



1 (inaudible - 00:03:35) three times, that my  
2 communications with the sheriff's department are  
3 protected by the attorney-client privilege.

4 Bereki: Okay. And I'm not asking to debate the law with you,  
5 I just asked you if you could refer me to the section  
6 of the evidence quo- -- code that you just shared.

7 Sims: Sure.

8 Bereki: Okay.

9 Sims: Sure. Let me look it up.

10 Bereki: Thank you.

11 Sims: Okay. It's Evidence Code Section 954.

12 Bereki: Okay. And so, what I'm just concerned about, Nicole,  
13 is that I -- again, as you know, I called for help  
14 from this agency, and now, as you're saying, I -- I --  
15 I do understand that you're saying attorney-client  
16 privilege, but it just seems peculiar to me that I'm -  
17 - I'm making a complaint to a state agency for  
18 investigation based upon deprivations of rights by  
19 other public actors, and now I don't have access to  
20 the actual factual findings and legal basis of the  
21 investigation because yo- -- you and the sheriff's  
22 department are claiming that that -- that factual  
23 foundation and legal basis is attorney-client  
24 privilege.

25 Sims: Are you talking about the emails between me and the



1 sergeant?

2 Bereki: Uh, I don't have any emails --

3 Sims: Or -- or that email link?

4 Bereki: Uh, w- w- -- wait -- wh- -- who are you -- okay.

5 Apparently, I have emails that seemed like they were

6 between you and Investigator Anderson. Now --

7 Sims: Okay. So --

8 Bereki: -- I haven't been told this --

9 Sims: -- those emails are protected by attorney-client

10 privilege. Now, what are -- now, are you talking

11 about the sheriff department's crime report?

12 Bereki: Um, there was no crime report. There was an

13 information report.

14 Sims: Okay, their information report. Did you get a copy of

15 that?

16 Bereki: I did.

17 Sims: Okay.

18 Bereki: And that -- based upon, also, I did a, um, public

19 records act request and there are communications that

20 you had with them that -- where you included

21 additional information that I didn't give them, and

22 their opinion or their closure of the case appears to

23 be based upon a communication with you.

24 Sims: How do you know that? How do you know that?

25 Bereki: Because I've been an --



1 Sims: (Inaudible - 00:06:22) --  
2 Bereki: -- investigator for over 20 years, and I know how it  
3 works.  
4 Sims: Well, I can't -- I can't get into my communications.  
5 So, I guess you're free to draw whatever con- --  
6 conclusions you want, but all -- all I can tell you is  
7 that those emails are protected by attorney-client  
8 privilege.  
9 Bereki: Okay. I'm gonna -- can I -- can you just wait one  
10 second while I look up 954? I'd just like to see that  
11 to make sure I don't have any other questions for you.  
12 Sims: Sure.  
13 Bereki: It will take me --  
14 Sims: And I can also direct you, like, to the -- the  
15 county's website. If you look up county counsel.  
16 Bereki: Uh-huh.  
17 Sims: We serve as legal counsel.  
18 Bereki: For the state, because you're a state agency?  
19 Sims: For the Board of Supervisors, county officers, and  
20 county departments.  
21 Bereki: And is your position elected or appointed?  
22 Sims: Leon Page is my boss and he is appointed by the board.  
23 Bereki: Okay. By the Board of Supervisors?  
24 Sims: Yes.  
25 Bereki: Okay. Uh, the holder of (inaudible - 00:07:27).



1           Okay. So, I -- I -- I'm reading it here, and -- and  
2           just basically perusing it. I get it, but I -- I  
3           still don't understand -- and this is something that  
4           we can talk about, you know, or you can decline, if  
5           you want to, I guess, is, how -- when I make a claim  
6           for deprivation of rights, the police department  
7           consults the, uh, county counsel, and then my case  
8           gets closed, and then, all of a sudden, there's  
9           attorney-client privileged information and I can't  
10          find out --

11   Sims:     I'm not gonna comment on that, sir.

12   Bereki:   -- the factual findings and --

13   Sims:     I'm not gonna com- -- did you get in -- did you get  
14           their report?

15   Bereki:   Yes.

16   Sims:     I think that would be their conclusions.

17   Bereki:   Right, but -- but there are supplementary issues, i.e.  
18           conversations with you, the District Attorney, the  
19           Department of Justice, and all of those are part and  
20           parcel to their findings. And so, I think it would be  
21           somewhat of a deprivation of rights if I make a  
22           complaint and then do not get the actual documents  
23           that -- that support their conclusions.

24   Sims:     But you got their report.

25   Bereki:   Right.





1     Sims:        So, that would be --

2     Bereki:     And it says --

3     Sims:        Yeah.

4     Bereki:     -- case closed.  It doesn't say that I spoke with

5                   county counsel on this date and time and county

6                   counsel, uh, told me that they think the Court of

7                   Appeal's opinion is valid and lawful and, based upon

8                   that, I close the case.  Um, I think that would be

9                   reasonable and prudent to put in an investigation

10                  report.  Um, that --

11    Sims:        I haven't seen the report.

12    Bereki:     I'm sorry?

13    Sims:        I haven't seen the report.

14    Bereki:     Oh.  I'm saying that that is not what -- I -- I'm not

15                  saying that that report exists, I'm saying that that

16                  is what I think would be reasonable and -- and prudent

17                  to put in an investigation report to substantiate case

18                  closed.  I mean, case closed is -- that's nice, but --

19    Sims:        Okay.

20    Bereki:     -- on what --

21    Sims:        Okay.

22    Bereki:     -- basis?

23    Sims:        Sir, I'm -- I'm just -- I'm not gonna -- I'm not gonna

24                  debate this with you, okay?

25    Bereki:     That's fine.  So -- so --



1     Sims:        So, the emails -- the content of the emails between me  
2                    and the investigator are protected from disclosure  
3                    under the public -- under the attorney-client  
4                    privilege.  
5     Bereki:     Okay.    So --  
6     Sims:        I don't know about anything else that the department's  
7                    given you or that you've requested, but I know those  
8                    emails are protected.  
9     Bereki:     Okay.    Are there any other documents in your custody  
10                  or control that are not protected by attorney-client  
11                  privilege?  
12     Sims:        Not of mine.  
13     Bereki:     Okay.    Are there any others that you're aware of that  
14                    you gave to the sheriff's department that would not be  
15                    protected by that privilege?  
16     Sims:        No.  
17     Bereki:     Okay.    Did you --  
18     Sims:        Sir, I'm not gonna -- I don't -- I'm go- -- I'm gonna  
19                    hang up, now.    Okay.  
20     Bereki:     Excuse me.  
21     Sims:        Bye.  
22     Bereki:     You're a public servant.  
23     Sims:        I -- no --  
24     Bereki:     You can take time to speak with me --  
25     Sims:        I mean, I don't have to debate --



1 Berekı: -- about this issue.  
2 Sims: I don't have to debate with you, okay?  
3 Berekı: I'm --  
4 Sims: The position -- my position is that those emails are  
5 protected by the attorney-client privilege.  
6 Berekı: Okay.  
7 Sims: That's it.  
8 Berekı: Great. We're done with that. So, I was --  
9 Sims: Okay.  
10 Berekı: -- asking you other questions --  
11 Sims: Thank you. Have a nice day. Bye bye.  
12 Berekı: Okay. Bye.

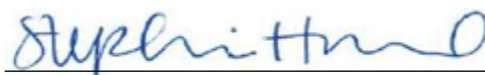
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DATED this 22nd day of June, 2025.



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