

Call with Sergeant Darrin Joe, Part 1

Recording Name:

[E24 NBPD– COMPLAINT TO SGT. DARRIN JOE PART 1
OF 4 102921]

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1 Joe: -- a little, uh, little vague, so I was hopin' to --
2 to get a couple more details from you to see what I
3 could do to help you out.

4 Bereki: Yes, I so appreciate your -- your willingness to help
5 out. I'm in a very --

6 Joe: Sure.

7 Bereki: -- uh, strange situation, and, um, i- -- I -- I'll
8 just start sharing with you what it is. But just to
9 let you know, um, I'm a retired cop. Um --

10 Joe: Okay.

11 Bereki: -- so, um, long story short, I -- after I got out of
12 law enforcement, I got into custom design building.
13 And one of the projects that I did was in, um, Lido
14 Isle in Newport Beach.

15 Joe: Okay.

16 Bereki: Um, I did this job for the family of, uh, a friend of
17 mine that was a cop. And they were pretty much
18 property investors, but they wanted to have this
19 property for a vacation home. So, uh, it was
20 literally turned into a million-dollar renovation of a
21 60-year-old building, and at the end of the project we
22 had a disagreement and they refused to pay my company,
23 uh, about a hundred thousand dollars.

24 Joe: Okay.

25 Bereki: So, um, at this point, everything is totally civil.



1 Joe: Okay.

2 Bereki: My, uh, my company, uh, sued them about a year and a
3 half later at -- in the Superior Court here in the
4 County of Orange for, uh, it was 82,000 that they
5 didn't actually pay. And, um, right before trial --
6 well let me back up on second.

7 Joe: Sure.

8 Bereki: Um, at the beginning of trial they did what's called a
9 Motion for Summary Judgment. I'm not sure if you're
10 familiar with that, uh, what that is.

11 Joe: Yes.

12 Bereki: Okay.

13 Joe: It's probably -- it's to get, uh, the case adjudicated
14 before it goes to trial.

15 Bereki: Exactly, exactly. So they did that. And what they
16 said was, "Look, um, we contracted with Adam's
17 company. There's no question about that, but because
18 Adam's company didn't follow the provisions of the
19 Business and Professions Code which govern the
20 regulations of, um, construction contracts, he's not
21 entitled to relief as a matter of law, and so we --
22 Summary Judgment should be, uh, awarded in our favor."

23 Joe: Okay.

24 Bereki: The court said, uh, "Absolutely not. You haven't
25 proved that as a matter of law, and no." So, uh,



1 about a year later we get ready to go to trial, and
2 ri- -- about a month before trial they amend their
3 first complaint, their first cross-complaint against
4 me.

5 Joe: Mm-hmm.

6 Bereki: And they say, uh, "Oh, well we never contracted with
7 this company. We contracted with him. And because
8 he's not licensed, the Business and Professions Code
9 says that we get a total forfeiture of all the money
10 that we paid him."

11 Joe: Okay.

12 Bereki: So let me just back up on second here. If you go down
13 to the, um, uh, Newport Beach Building Department,
14 you're gonna find my construction company listed as
15 the contractor on the project.

16 Joe: Mm-hmm.

17 Bereki: Okay? So, um, at the time, I had a lawyer but could
18 not afford to keep one, because obviously that hundred
19 thousand was my -- my profit.

20 Joe: Right.

21 Bereki: Um, so, um, I go to this trial. I testify that, you
22 know, um, they contracted with my company, not with
23 me. They were family friends, so of course we had a
24 lot of cordial emails back and forth, blah, blah,
25 blah, blah, blah, and now at the end of the trial I



1 get fined \$848,000.

2 Joe: Mm.

3 Bereki: So not only do they get to keep all the work, I now
4 have to pay a fine of \$848,000. Well, there's
5 something in California called the Excessive -- well,
6 in California Constitution and the U.S. Constitution,
7 it's called the Excessive Fines Clause.

8 Joe: Mm-hmm.

9 Bereki: And there's four things that every judge has to do
10 before he has authority to issue a fine. Um, really
11 quickly, they have -- the fine has to be proportional
12 to the offense, um, and they have to take into account
13 your ability to pay it.

14 Joe: Right.

15 Bereki: Uh, the judge did neither of those.

16 Joe: Okay.

17 Bereki: The second thing is, is that in order for the court to
18 have authority to do any fine whatsoever, they have to
19 have something called subject matter jurisdiction. So
20 what that basically means is like, um, let's say for a
21 cop in Laguna, he would not have subject matter
22 jurisdiction to enforce the vehicle code in Arizona.

23 Joe: Right.

24 Bereki: The subject matter being the vehicle code, all right.
25 So you -- you, I'm sure, are well aware that like a



1 private citizen cannot bring prosecutorial charges
2 against another private citizen. Like I couldn't go
3 and see some guy driving down the street, pull him
4 over and say, "Oh, I don't think you have a license,
5 so I'm gonna arrest you and take you to jail or fine
6 you, uh -- uh, or take you to court for that," right?

7 Joe: Mm-hmm. Mm-hmm.

8 Bereki: All right, so the same thing works with the Business
9 and Professions Code and not allegedly having a
10 license. So what ended up happening was that I got
11 prosecuted by a private party and then fined in
12 violation of the Excessive Fines Clause when the court
13 and these other people had no authority to do either
14 of them.

15 Joe: Okay.

16 Bereki: So, um, at that point in time I go -- I was bamboozled
17 by this because this is -- I'll -- I'll give you a
18 little bit of foreshadowing of where this is going.
19 This is a major pattern of fraud and treason that's
20 being committed and has been committed in California
21 courts for about a hundred years.

22 Joe: Okay.

23 Bereki: Um, so at this point in time, despite my law
24 enforcement history, I don't know -- well, let me give
25 you -- let me back up just a little bit. The whole



1 action that they, um, they, uh, complained against me
2 with is something, they used the term, it's called
3 disgorgement. Um --

4 Joe: Okay, I've never heard that before.

5 Bereki: Okay. Disgorgement is, uh, basically what it means is
6 you cannot keep the fruits of your illegal profits.

7 Joe: Okay.

8 Bereki: So you could use the term disgorgement to apply to a
9 bank robber, right? He illegally profited from, uh,
10 his criminal act of robbing the bank, and so he has to
11 disgorge, or give up the fruits of his illegal
12 conduct.

13 Joe: Mm.

14 Bereki: Okay? So, um, r- -- I began looking up the term
15 disgorgement, and what I found was that there's a lot
16 of different definitions of it going through the
17 courts. It's basically a term that the courts made
18 up, and no one knew what it meant. So, um, uh, a
19 couple years after my case, uh, the U.S. Supreme Court
20 heard a case involving disgorgement. And they said,
21 "Look, we realize there's a lot of different
22 definitions out there for it, and the only definition
23 that applies to it is that it applies to illegal
24 profits only."

25 Joe: Okay.



1 Bereki: "Not the penal forfeiture of an entire transaction."
2 So, um, how that case came about was basically the S-
3 -- the Securities and Exchange Commission prosecuted
4 these people who had accepted, uh, \$20 million in
5 compensation to, um, build a cancer treatment center.
6 Well, they started taking profits out of there that
7 weren't in the contract, and so someone ratted them
8 out to the SEC. The SEC filed charges against them,
9 and the judge said, "Well, you know, you were doing
10 some illegal activity. You have to forfeit
11 everything." So the case went all the way to the
12 Supreme Court, and the S- -- Supreme Court said,
13 "Whoa, whoa, whoa, wait a minute. Yes, these people
14 were taking illegal profits, but they also put a lot
15 of the money that they were given towards the cancer
16 research center."
17 Joe: Mm-hmm.
18 Bereki: "So you can't make them give back money that they've
19 already given back."
20 Joe: Right.
21 Bereki: Same situation here, right? They asked me, or my
22 company, if you will, to build the house. They got
23 the million dollars in renovation, and now I have to
24 pay another million dollars on top of that.
25 Joe: Okay.



1 Bereki: Okay, so you see the problem?

2 Joe: Yeah, the -- I do have a question.

3 Bereki: Okay.

4 Joe: Um, so typically -- and, you know, granted, I -- I --

5 my expertise is not in -- in civil law. Uh, but I do

6 -- I do know -- I'm a little familiar. Um, the fine

7 that was levied, the 800-plus thousand dollars, is

8 that a like a penalty? Or is that also include, uh,

9 attorneys fees for the defendant (inaudible -

10 00:08:29)?

11 Bereki: No, no attorneys fees. It's -- it's --

12 Joe: No attorneys fees?

13 Bereki: No attorneys fees.

14 Joe: Okay.

15 Bereki: It's straight up --

16 Joe: Is it --

17 Bereki: -- a forfeiture. So --

18 Joe: Okay, commonly -- and then you -- you probably know

19 Adam, that commonly in -- in civil litigation when,

20 um, either side is -- is victorious, however you wanna

21 call it, the judgment is for whichever side, the, uh,

22 part of the -- the judgment can include attorneys fees

23 for the other party.

24 Bereki: Right. And they can include punitive damages, but not

25 penalties in this nature. The penalties of this



1 nature in the -- in the realm of a forfeiture are
2 reserved for criminal actions only.

3 Joe: Okay.

4 Bereki: Okay? So that's -- that's -- so there's two main
5 issues right off the bat.

6 Joe: So, are they saying that the criminal action is the
7 violation of the Business and Professions Code?

8 Bereki: They're not saying it's criminal whatsoever.

9 Joe: Okay.

10 Bereki: So that's --

11 Joe: So then -- yeah, then I -- I -- I -- it doesn't make
12 any sense.

13 Bereki: Well, it -- that's my sentiments exactly.

14 Joe: Okay.

15 Bereki: So, um, so they're -- the two issues, just to kinda
16 review it is I was prosecuted in a civil case --

17 Joe: Mm-hmm.

18 Bereki: -- by private people that don't have authority to do
19 that. That has to be done --

20 Joe: Okay.

21 Bereki: -- by the District Attorney. That's number one. So
22 th- -- the whole thing goes in the toilet right there.
23 They have no authority to proceed. The judge has
24 none, the other people have none, because the entire
25 executive authority of the State of California is



1 vested in the governor, and he has to have police
2 officers, district attorneys who bring criminal
3 charges against people, not private people.

4 Joe: Okay.

5 Bereki: So that's the first thing. Then the second thing is
6 that also makes it criminal is the fact that I was
7 fined \$848,000 without any of the protections of the
8 Excessive Fines Clause. So that whole fine is gone,
9 can't do it.

10 Joe: Okay.

11 Bereki: It deprives the court auth- -- of authority if they
12 don't follow the rules. Same thing in law
13 enforcement, right? You can't do something that's
14 without your authority. Um, so the same thing works
15 the way -- that way in -- on the judicial side of
16 thing- -- well, in any branch of government for that
17 matter. Um, so after I went through this trial and I
18 was like what in the hell is disgorgement? What in
19 the hell just happened to me? Something is terribly
20 wrong here, because, you know, I was a cop for about
21 10 years between like 2000, um, 2000 and 2008 --

22 Joe: Okay.

23 Bereki: -- uh, right around there. And everything I remember
24 about law enforcement was pretty, uh, common sense.
25 If it felt right and it, you know, seemed legitimate



1 and fair and reasonable, you could do it. If it
2 didn't, there's a problem. Well, obviously fining
3 840- -- \$850,000 for no license is a problem. Um,
4 when also the maximum criminal penalty, so to speak,
5 for the same offense is a maximum fine of \$5,000.

6 Joe: Mm.

7 Bereki: So, um, anyways, I started doing all the research on
8 this, and I made an appeal, and I raised these issues,
9 and the Appellate Court said, um, "Yeah, there's no
10 merit to any of your arguments." This was obviously -
11 -

12 Joe: Okay.

13 Bereki: -- before the Supreme Court ruling came out.

14 Joe: Mm-hmm.

15 Bereki: So, um, then I went to the California Supreme Court,
16 and I had, uh, for a -- a Petition for Review. They
17 declined to hear my petition.

18 Joe: Mm-hmm.

19 Bereki: I went to the, um, U.S. Supreme Court, same thing. I
20 then went to the, um, uh, United States District Court
21 here in, um, Santa Ana, and they said, uh, "Well, we
22 can't review the judgment of a State court," and
23 without going into all the legalities of it, that's a
24 lie if the judgment is void, which it is. So then I
25 went to the Ninth Circuit Court of Appeal on appeal,



1 and they threw my case out as frivolous. So --

2 Joe: Okay.

3 Bereki: -- here's where the problem comes in. I -- there's an
4 \$848,000 lien on a property that I am a legal titled
5 holder to in -- here in California.

6 Joe: Mm-hmm.

7 Bereki: And, um -- oh, there's something else. After the
8 judgment was imposed, uh, about 90 days after that,
9 there's a statute that says, in the Business and
10 Professions Code, if you don't pay the judgment
11 against you, any license you have is suspended until
12 you either, uh, file bankruptcy, pay the judgment, or
13 work out an agreement with the other party.

14 Joe: Okay.

15 Bereki: So, that in and of itself, suspending a license, is
16 punishment. And so when you have punishment, you have
17 the right to judicial proceedings, meaning if the --
18 they have to have a jury trial. They have to put on
19 facts and evidence, and all that stuff.

20 Joe: Mm-hmm.

21 Bereki: I got none of it. No trial whatsoever.

22 Joe: Okay.

23 Bereki: So now, I was the qualifying individual on my
24 company's contractor's license, that license and any
25 attempt for me to obtain a license in my own name has



1 been suspended for four years. So I can't work in my
2 profession as a contractor as a result of this illegal
3 judgment. So now that lien is on the house. My
4 estate cannot -- no longer afford to pay for that
5 lien, and so my house is now going to go into
6 foreclosure.

7 Joe: Okay.

8 Bereki: And I can't sell it because it's on there, and they'll
9 get the money from it. The only other choice is that
10 I'm being forced into bankruptcy. Uh, and I may be
11 able to use the Homestead Exemption, may.

12 Joe: Mm-hmm.

13 Bereki: But, uh, at that point I will lose the property
14 because I have no way to work in my job. And I've
15 been forced to study how this fraud is being
16 perpetrated on me and many other people to find out
17 how it's done so that I can stop it. But the problem
18 is, no one in the California government is listening
19 and is doing anything about it. Now, I did send
20 Petitions for Redress of Grievance to the legislature
21 to let them know about it, and I have in writing that
22 they said they were going to do an investigation and
23 they'd get back to me in a week, and I've never heard
24 anything back.

25 Joe: Hm.



1 Bereki: I went to both the senator and the assembly woman in
2 this area, and that's what I've gotten. Um, so I --
3 I'm at the end, and, you know, it's my understanding
4 when I was a policeman, I know this is a very strange
5 case, but my understanding as a law enforcement
6 officer was that I had to protect somebody's
7 constitutional rights, even if a crime had not been
8 committed it was my duty to do that. So that's why
9 I'm coming to you, because this is an egregious
10 illegal activity that's being perpetrated by the
11 legislature and the courts, and it's not just
12 happening to me. There's many other people that are
13 getting prosecuted and punished for this, and it's
14 just way over the top. And I -- I don't know where
15 else to go. Um --

16 Joe: Okay, yeah, that was gonna be my -- my next question.
17 Uh, what can the police department do to help you with
18 -- with this issue?

19 Bereki: So my feeling, given what I understand, and this is
20 assuming, of course, that I'm able to evidence that
21 I've shared with you --

22 Joe: Right, right.

23 Bereki: -- and -- and it's correct, um, my -- my first thought
24 would be that you, uh, take either an info, or a -- a
25 crime report for minimally fraud. Um, I know it may



1 sound like a stretch going out to robbery, but that's
2 the forcible taking of property without authority,
3 lawful authority. And so the --

4 Joe: Yeah, that's not gonna -- robbery won't fly. I'll --
5 I'll tell you that right now. But go -- go ahead.

6 Bereki: Well, then -- then maybe fraud or grand theft. Um --

7 Joe: Okay.

8 Bereki: -- something like that, because this is a clear -- I
9 mean, it is so black and white in law that they --
10 they do not have the authority to do this, and they're
11 -- they've been doin' it, for literally since 1929.

12 Joe: Mm.

13 Bereki: And, um, I have lots of other cases of very similar
14 things of people reaching out trying to get ahold of
15 the legislature, whatever, and -- and it's very
16 clearcut what the U.S. Supreme Court has said about
17 this. So anyways, what can you do for me? My -- the
18 -- the first thing would be to take, uh, an
19 investigation report, and then, uh, you know, that's
20 up to you. Um, I am alleging a -- a deprivation of my
21 rights, and, uh -- under both the California
22 Constitution and the U.S. Constitution, and so, um,
23 somehow you have to begin an investigation into
24 whether or not that's, um, that's happening and
25 protect my liberty and property, um, however that goes



1 -- comes about. Um, because they don't have authority
2 to take my liberty and property without authority, and
3 that's exactly what's happening.

4 Joe: Okay. Um, what -- I'm just -- I'm not gonna minimize
5 what -- what you're going through, but I'm -- I'm
6 gonna try to simplify it in a -- in a nutshell from my
7 interpretation of -- of what's happening. Uh, it
8 sounds like you -- you went through civil litigation,
9 um, and the process itself is messed up somewhere, to
10 where it got -- it got so far that a judgment came
11 against you, and neither the judgment itself nor the
12 penalty, uh, seems to be within the parameters of --
13 of civil law. Um, but, however, that judgment is what
14 gives them the authority to wreck the -- the rest of
15 the things that came after it, in terms of trying to
16 take your property, uh, trying to take your earnings,
17 trying to take your livelihood. So because of -- it's
18 within that framework, I can't -- and based on my
19 training and experience, say that anything illegal
20 happened and therefore a -- a crime occurred and needs
21 to be investigated by the police department. Now, I -
22 - I can appreciate, and I -- I actually, um, I'm --
23 I'm pretty moved by the fact that you went through all
24 these proper measures that -- that nobody else would
25 go through and, uh, or nobody else I've dealt with



1 would go through in terms of -- of appealing it to the
2 -- to the next-level courts. That's -- that's
3 commendable. Um, the issue that -- that raises a flag
4 in my head is, number one, these -- these courts
5 aren't listening, so there might be, uh, a problem
6 that's more endemic in -- in that system. Um, but
7 also, uh, kind of the elephant in the room, is there
8 any other attorneys that are willing to -- to fight
9 this cause with you, since there are other instances
10 of this, even though you -- you may or may not have
11 the means to -- to retain one?

12 Bereki: So, um, can I back up to one statement that you said,
13 and then I'll --

14 Joe: Sure.

15 Bereki: -- um, I'm gonna take a note and just write that.

16 Joe: Yeah.

17 Bereki: Um, so attorney. And let me write that down so I can
18 come back to it. Okay, the first thing that -- that,
19 um, that seems to be incorrect, and -- and it may be a
20 training and experience issue is the fact that yes, it
21 was a civil judgment, but anything that a court does,
22 just like anything a police officer does, that
23 authority has to come from the Constitution. And if
24 it's not there, the Constitution or a law, if it's not
25 there, then there's no authority for the action. You



1 can't like say, "Oh, well the court made a judgment
2 and maybe the court messed up, and so that's why
3 you're having to deal with this." No. If -- if -- if
4 there's no authority to do it, it's what's called
5 ultra vires. I mean, like I couldn't go out in a
6 police car and arrest someone without -- uh, you know,
7 if they -- if they had a purple shirt because I didn't
8 like purple shirts. Now, I realize how on the
9 complete end of the spectrum, the opposite end of the
10 spectrum that is compared to this, we're talking about
11 intricacies of law here. But --

12 Joe: Right.

13 Bereki: -- um, it's the same thing. A private party cannot
14 prosecute another private party in court. That --
15 that releav- -- removes the judge's authority right
16 there. Just -- just like a -- a -- a cop can't go
17 arrest somebody for having a purple shirt because he
18 doesn't like it. The same thing is, you cannot impose
19 punishment, you have -- the -- the judges have no
20 authority to impose punishment unless that punishment
21 complies with the constitutional parameters. So
22 again, they can't just make up a number because they
23 feel like it one day and say, "Oh, here's a million-
24 dollar fine." No.

25 Joe: Mm-hmm.



1 Bereki: Um, I'll give you an example of -- of a recent, um,
2 case that -- that came out through the Court of Appeal
3 is this indigent guy, um, got arrested for something,
4 I don't remember what it was. But they tried to
5 impose, uh, like \$25 in court fees on him. And he
6 went all the way through the appeal process, and he
7 said, "Time out. I don't have a job. I don't have a
8 pot to piss in. I don't even have five dollars. How
9 am I gonna pay \$25?" And so they said, "You're right,
10 it's excessive for your situation." Every single case
11 has to be taken on a case-by-case basis, and a
12 person's ability to pay has to be considered, and it -
13 - and it has to be proportional to the offense. Well,
14 in my case obviously, it can't be proportional to the
15 offense if the same criminal penalty is \$5,000,
16 maximum.

17 Joe: Mm.

18 Bereki: Um, and again, they didn't take any of that into
19 account. So, um, that would be the first thing, i- --
20 is that even though it in- -- it originated in a civil
21 context, it can turn into criminal really quickly,
22 just like if someone shot somebody else in the middle
23 of a civil trial. You know, we're not gonna say, "Oh,
24 that's civil because it's in the middle of a civil
25 case."



1 Joe: Right.

2 Bereki: You can do criminal activity in the middle of
3 something that began civilly. Um, and I say it's
4 criminal because these judges and lawyers know this.
5 And they have a duty to know this. This is basic,
6 like what's the difference between a -- a -- a fine
7 and -- and -- and, uh, um, damages? I mean, obviously
8 if you have damages, you prove that there's damages,
9 and then you give money for the -- the harm that was
10 caused.

11 Joe: Right.

12 Bereki: Well there's no evidence of any harm. So if there's
13 no evidence of harm, obviously you have a fine and a
14 penalty. So if -- they know this. Um --

15 Joe: Are they calling it damages?

16 Bereki: Well --

17 Joe: 'Cause I -- I don't have this case in front of me, so
18 I don't know if it's -- if they're "prosecuting" you
19 for a violation of -- of the Business and Professions
20 Code, or if they're, um, basically just dinging you
21 for -- for any pain and suffering, or other
22 inconvenience.

23 Bereki: Okay. S- -- so -- so, that's a great -- great
24 question, and I'll answer that. And here's where some
25 of the confusion goes. So, if you look at the



1 Business and Professions Code, the way it's laid out,
2 there's two sections. The -- the -- the criminal, so
3 to speak, section is 7028.

4 Joe: Okay.

5 Bereki: And it says, basically if you, uh, contract without a
6 license you can be fined up to \$5,000 and have six
7 months in county jail, blah, blah, blah. All right?
8 Then there's the "civil" section, which is 7031.
9 Seventy thirty-one says if you don't have a license,
10 you can't sue your customer to get compensation. And
11 if the customer does compensate you and you're
12 unlicensed, you have to return all compensation paid.
13 So, basically what the court has to do, is they first
14 have to find you that you're unlicensed. And then,
15 once you're unlicensed, then they apply this penalty
16 to you. Now, it's dis- -- it's a criminal penalty
17 disguised as a civil penalty.

18 Joe: Okay. So that's where -- that's where this -- the
19 crux of all this is.

20 Bereki: That's a part of it. So -- so to answer you question
21 for damages --

22 Joe: Yeah.

23 Bereki: -- here's -- here's where it gets crazier. So the
24 word "disgorgement" is not mentioned anywhere in the
25 statute. But if you look at the pleadings that they



1 filed against me, they say it's an action for
2 disgorgement. Well disgorgement happens to fall in a
3 part of law called equity.

4 Joe: Okay.

5 Bereki: And a court of equity can't impose punishment. So
6 that's completely -- knocks it out that it's not
7 disgorgement. Um, second off, disgorgement only
8 applies to profits. There was no evidence that I even
9 profited one dollar in the case. So here's where it
10 gets a little bit more strange, right, where the
11 Complaint says disgorgement, the judge's Minute Order
12 says disgorgement, but then when you go to the actual
13 judgment order, it says damages. And there were no
14 damages evidenced. The only evidence that was put on
15 in my trial was who did I -- who did I contract with?
16 Did I contract with these people, or did -- my company
17 contracted with them?

18 Joe: Mm-hmm.

19 Bereki: And so that's -- that's the -- the avenue they took.
20 The court said, "Oh, uh, you contracted with Adam, and
21 as a result, he has to forfeit all of the money that
22 was paid."

23 Joe: Okay.

24 Bereki: Well, there's another curious thing going on here, is
25 that about 650, or more, thousand dollars wasn't even



1 paid to me, it was paid to my company. So how would I
2 be required to forfeit all of that money? You see, so
3 it just the -- the anomalies are monumental. It
4 doesn't add up. So going back to your question about
5 the attorney.

6 Joe: Mm-hmm.

7 Bereki: Um, I have called probably five attorneys, and because
8 judges and judge, uh, misconduct is involved, most of
9 them do not want to be involved.

10 Joe: That makes sense.

11 Bereki: Um, the other thing is, on the other ones that I've
12 spoken with, they can't, for some reason, understand
13 that this was a fine. Um, it -- it's --

14 Joe: Okay, (inaudible - 00:27:08) my vote, when it comes to
15 -- to that --

16 Bereki: Well --

17 Joe: -- semantics issue.

18 Bereki: And -- and maybe, and -- and -- and I could understand
19 how, you know, maybe because you aren't versed in more
20 of the judicial side of things that that may be the
21 case.

22 Joe: Yeah.

23 Bereki: But I can -- I can --

24 Joe: I'm three years short of my juris doctorate,
25 unfortunately.



1 Berekhi: Okay. Well, I can -- I can -- I can, uh, I can easily
2 show you that with some case law and -- and
3 substantiate everything that I'm saying.

4 Joe: Okay.

5 Berekhi: And I mean, just -- on the other side of it, if you
6 kinda throw -- like, I realize I'm throwing a lot of
7 things at you, a lot of different legal terms, and a
8 lot of different, you know --

9 Joe: Mm-hmm.

10 Berekhi: -- processes, and all of that. But, uh, the bottom
11 line is, I -- I was ordered to -- I got fined
12 \$848,000.

13 Joe: Right.

14 Berekhi: So anyways, back to the attorneys, yes, I have called
15 a number of them, and, um, no, no, they -- they --
16 there is no one that I have been able to find that,
17 uh, is willing to help, because of both of those
18 issues.

19 Joe: Okay.

20 Berekhi: Um, s- --

21 Joe: What about with the, uh, you know, the -- the
22 statement of, uh, your liberties are being infringed.
23 Um, this might be a violation of your Constitutional
24 rights. Have you reached out to the ACLU?

25 Berekhi: Um, they're a private law firm, and no, that is



1 probably one of the last places that I would go,
2 because I can do better work than them.

3 Joe: I -- yeah, yeah, I'd tend to agree with you on that.
4 Um, in a quick Google search, and this is just me
5 spit-balling out loud.

6 Bereki: Mm-hmm.

7 Joe: Um, there's -- there's a -- a California governmental
8 website for filing, uh, complaints on -- for -- to the
9 Commission of Judicial Performance.

10 Bereki: Okay, yep.

11 Joe: Does that sounds like somethin' --

12 Bereki: Been -- been there, done that.

13 Joe: Okay.

14 Bereki: So my understanding is -- and -- and I could be wrong
15 about this, but --

16 Joe: Mm-hmm.

17 Bereki: -- they don't investigate criminal acts. They
18 investigate --

19 Joe: (Inaudible - 00:29:01) of a, uh, Inspector General,
20 or, um anything like that?

21 Bereki: I don't believe so. I don't know, to be honest with
22 you. But I -- I can show you the complaint that I
23 made to them that clearly shows a deprivation of
24 rights and all of these things. I mean, it's -- it's
25 -- it's very simple. Like if -- if I sat down in



1 front of you and I could demonstrate that this was a
2 fine, then you would go, "Okay, well where's the case
3 law on what the judge has to do when they're gonna
4 impose a fine?" And I'd give that to you. And
5 there's four things they gotta do, and I can show you
6 in the case they didn't do any of 'em. Well, when I
7 made this complaint to the Judicial Council, they say,
8 "Oh, we don't find any errors whatsoever."

9 Joe: Okay.

10 Bereki: What? What? I -- I -- I mean, put it this way, the -
11 - the case I told you about with the SEC?

12 Joe: Mm-hmm.

13 Bereki: That's almost a carbon copy of my -- my case. And
14 that's how the United States Supreme Court would rule.
15 Yeah, there's -- this is a contractor licensing case,
16 it's not exactly the same. But the -- the -- the
17 same, um, procedural mechanism of disgorgement was
18 used in my case that was used in the SEC case, so
19 literally they're like carbon copies.

20 Joe: So even after you point this out to -- to any of these
21 private attorneys, no one's willing to -- to take the
22 ball and run with it?

23 Bereki: No. No, no.

24 Joe: Okay.

25 Bereki: And almost every time, they say, "Look, this is



1 serious judicial mac- -- misconduct, and I'm not
2 getting involved."

3 Joe: I see. Um --

4 Bereki: Um, because they think it's career suicide.

5 Joe: Sure. What about State Department?

6 Bereki: Been there, done that.

7 Joe: Mm.

8 Bereki: I -- I -- I reported it to the FBI even, and they hung
9 up on me. I have the audio tape. They sent it to me.
10 I got a FOIA request from them.

11 Joe: So, I mean, hon- -- honestly, just, you know, talkin'
12 to you for the past half hour, it -- on the surface,
13 it sounds like somebody who is unhappy with -- with a
14 judgment. Um, I -- I do see where -- where you can --
15 I mean, I can -- I can put myself in your shoes, and I
16 can see where -- where you're looking. But it's --
17 you know, I'll be honest with you, it -- it does seem
18 like a stretch, especially with my lack of familiarity
19 and with how long -- or how in-depth you have to go to
20 -- to try to explain it to a lay person.

21 Bereki: Yeah.

22 Joe: Uh, and then coupled with the -- the prof- --
23 "professionals" who -- who do this for a living, and
24 they're not seeing -- or they're not on the same
25 wavelength as you, it -- it causes me to believe that



1 there may not be as much merit to what you're saying
2 as you may believe.

3 Bereki: Uh, okay, so if that's the case -- so, there's two
4 things I'd like to s- -- to say to that. First off is
5 --

6 Joe: Okay.

7 Bereki: -- let's say that, um, one of your officers, going
8 back to the purple shirt example.

9 Joe: Mm-hmm.

10 Bereki: Or let me -- let me use a judge. Let's say a judge,
11 uh, had a case, and he fines some -- some girl a
12 million dollars because she was wearing a purple
13 shirt.

14 Joe: Okay.

15 Bereki: Would you say -- and he -- and there's no authority to
16 do it. Would you say that --

17 Joe: Well, there's no law on that.

18 Bereki: What's what?

19 Joe: There's no law that prevents somebody from wearing a
20 purple shirt.

21 Bereki: Ex- -- e- -- e- -- exactly. Same here. There is no
22 law that allows a private party to prosecute another
23 private party in a civil case.

24 Joe: Okay.

25 Bereki: That doesn't exist.



1 Joe: There's gotta be something missing if this --
2 something missing to their side of the story that I
3 don't know about that allows this to happen on a
4 regular basis, right?

5 Bereki: Th- -- there- -- there's -- no, there really doesn't.
6 That's -- that's the gnarly thing about this, is look,
7 you know -- I -- when I worked in the police
8 department, my -- my final assignment, if you will,
9 was major fraud and forgery. My -- my level of, you
10 know, forensic investigation, I'm highly trained in
11 that stuff. That's what I do. And so, this -- this
12 has been my job for the last four years to uncover
13 this fraud that's being perpetrated and how they're
14 doing it. It's -- it's -- it's mind-blowing how --
15 how they could not even have a clue about what they're
16 doing. But that's the -- that's the truth of the
17 matter. So, um, I -- I get how you go like, wait a
18 minute. How could all of these judges say this?
19 Well, they're not all saying it.

20 Joe: Mm-hmm.

21 Bereki: The United States Supreme Court, which is the highest
22 court in our country, is saying exactly what I'm
23 saying. But the problem is, all the local courts in
24 California are not. And here's the problem. If they
25 admit what they're doing, do you know how many of



1 these -- every judge from a Superior Court to the
2 Supreme Court is gonna be out of office. They're all
3 gonna have to pay back I don't know how many tens of
4 millions of dollars that they ordered to be taken from
5 people and given to others without any constitutional
6 authority whatsoever.

7 Joe: Right.

8 Bereki: That's the scope of this. So now, the people that I
9 need to go to get help from, they have their ass on
10 the line to not do anything about this. And that's
11 what they're doing, they're shutting me out and not
12 giving me the -- because if my case wins --

13 Joe: Mm-hmm.

14 Bereki: -- all of these judgments are all voided, through --
15 for a hundred years of history. That's how serious
16 this is. And I'm not just talking about judgments in
17 State Court. There's federal judges that are ruling
18 on state law doing the same thing.

19 Joe: Right. So here's -- here's where I stand on -- on
20 this, as, you know, a -- a detective sergeant at a
21 local municipal police department, and I got no skin
22 in the game. Like I -- I got nothin' to lose if I --
23 if I were to, you know, investigate this. Where do I
24 -- how do I go about it? Where do I go? I mean, it -
25 - it seems like judicial misconduct, because it



1 doesn't seem like they're playing by the rules of
2 their own game. But how is that a -- a crime?

3 Bereki: Well, ver- -- very simply. So, where -- where do you
4 go about it, is -- is just start the investigation,
5 meaning I'll bring you the evidence that substantiates
6 --

7 Joe: Well, that's -- that's where we're -- we're at a
8 crossroads, Adam. Like, I -- I don't have -- it's not
9 like, okay, you know, a guy doesn't pay his bill at
10 the restaurant, that's -- that's your 537. I can -- I
11 can work with that. I'll -- I'll dive in with the guy
12 --

13 Bereki: Right.

14 Joe: -- uh, cuts a check that doesn't belong -- belong to
15 him, that's a 476. I can work with that.

16 Bereki: Right.

17 Joe: But this is -- this is like --

18 Bereki: This is straight up --

19 Joe: You know?

20 Bereki: -- it's straight up fraud. I -- if you don't buy the
21 robbery thing --

22 Joe: Then what penal code section does it fall under?

23 Bereki: I think 470, right? Let's see, here.

24 Joe: Forgery?

25 Bereki: No, there's a --



1 Joe: Of what?

2 Bereki: Wait, wait, wait, let me look it up. Let me look it
3 up. Well, first off, a forgery of a Judgment Order,
4 because it's totally, uh, unlawful. You can't do it.
5 Um --

6 Joe: But they have the authority to -- to produce those
7 types of orders. They're -- may -- like I said,
8 they're playing basketball and they're traveling with
9 the ball and nobody's calling on it -- calling them on
10 it. But --

11 Bereki: Y- -- y- --

12 Joe: -- that's not a crime.

13 Bereki: Well, it -- it is. So -- so even if you just -- well,
14 let -- let -- let me just show you just -- we can find
15 a -- a California penal code that would work. But are
16 you at your computer?

17 Joe: Sure, yes.

18 Bereki: Okay. Type in the word Cornell, with two L's, and 42
19 USC 1983.

20 Joe: Okay. So, is this --

21 Bereki: Oh, this is the civil side of it. Let me do --

22 Joe: Yeah.

23 Bereki: -- let me see what it is. Uh, 1980- -- 42 USC 1980- -
24 - I think it's 1984, 1985. Conspiracy to interfere
25 with civil rights. Stand by, I will get it to you.



1 Uh, I just have to look at one thing real quick.
2 There is a criminal statute for, um, deprivation of
3 rights. I'll get it to you in just a minute.
4 Joe: Okay, is it a California penal code statue?
5 Bereki: All right, hang on one second. Mm, how 'bout 532?
6 Joe: All right, let's look that up. Okay, what's the
7 fraud?
8 Bereki: The fraud is obviously that they don't have authority
9 to do the action that the -- to take money, property,
10 or liberty without authority. That's fraud.
11 Joe: But you -- well --
12 Bereki: And they're doing it.
13 Joe: They're doing it. They're saying they have the
14 authority --
15 Bereki: But they don't.
16 Joe: -- (inaudible - 00:38:28) except for maybe the Supreme
17 Court, based on -- on your rationale, are saying that
18 they do have the authority. So --
19 Bereki: No, no. No, no. The -- the C- -- the U.S. Supreme
20 Court is saying that they don't have the authority.
21 Joe: Right, that's what I meant.
22 Bereki: Okay.
23 Joe: But like I said, everybody except for maybe the
24 Supreme Court, based on your rationale, are saying
25 that they do have the authority. So th- -- there's a



1 reason, and I -- I -- I -- I sympathize with you for
2 what you're going through, and it -- it sucks. It
3 does sound shady. But there's a reason why everyone's
4 giving you the same answer.

5 Bereki: Well, s- --

6 Joe: And not to pick on you. It's because they can't --
7 they -- they're not seeing it the same way and they're
8 not contesting it.

9 Bereki: So -- so -- so --

10 Joe: They're obviously not you, either. They're not in the
11 same situation you're in, so it makes it easier for
12 them (inaudible - 00:39:18).

13 Bereki: So your name's Darrin, right? Darrin, r- -- okay.

14 Joe: Yes.

15 Bereki: So let's -- let's just hypothetically say that what
16 I'm telling you is the truth.

17 Joe: Okay.

18 Bereki: Now what?

19 Joe: So --

20 Bereki: Whether they can see it or not, that I get. If they
21 can't see it, obviously then it's not criminal. But
22 this is their duty to know and do it. And when you
23 bring it to them, it's their duty, even if they've
24 made a mistake, to fix it. Now --

25 Joe: Yeah, and I -- I mean, not to trivialize what you're



1 goin' through, but this is the kind of stuff that --
2 that, you know, you see in the movie- -- they -- they
3 make movies off of stories like this where an attorney
4 gets involved and they fight this monumental fight,
5 and things change after all's said and done. But it's
6 not the police department getting involved. It's not
7 -- uh, usually it's not the individual being involved,
8 it's somebody that -- that swings a big stick or -- or
9 is up to the challenge.

10 Bereki: Right, but that's --

11 Joe: The trouble is finding that person.

12 Bereki: That doesn't relieve -- so a police officer has a
13 sworn duty to protect and defend the Constitution of
14 California and the United States.

15 Joe: Mm-hmm.

16 Bereki: And under, uh, I think it's Article 1, Section 18 of
17 the California Constitution, every citizen has a right
18 to petition any branch of their government for a
19 redress of grievance. That means that I can go to
20 you. I can go to the legislature. I can go to the
21 judicial for anything that's going on that -- where my
22 liberty or property is being, uh, violated by the
23 government, and I can make a complaint.

24 Joe: Yes, but is your liberty or property being violated by
25 the government?



1 Bereki: Okay, they're -- they're --

2 Joe: Because you got a -- you got a judicial decision that

3 you didn't agree with.

4 Bereki: No, no. Darrin, see, that's what -- that's where the

5 trouble is, is yes, you're correct.

6 Joe: Okay.

7 Bereki: I don't agree with it. But I don't agree with it not

8 because just I'm having a bad day, but because --

9 Joe: Mm-hmm.

10 Bereki: -- the United States Supreme Court has said that the

11 judgment is unlawful, and the Constitution for

12 California says it's unlawful, and the Constitution

13 for the United States says it's unlawful. Everything

14 --

15 Joe: But the court of appeals, have either said it's law- -

16 - it's either lawful or it's not even rising to the

17 level where they're willing to hear it.

18 Bereki: But what is the highest authority, as far as the

19 courts go in the United States?

20 Joe: The U.S. Supreme Court.

21 Bereki: Okay. And what is the higher authority, even beyond

22 the U.S. Supreme Court?

23 Joe: Um --

24 Bereki: The Constitution.

25 Joe: The Constitution?



1 Bereki: Yeah.

2 Joe: Okay.

3 Bereki: And it says right in there, "No excessive fines shall
4 be imposed." Well, here -- what's -- then -- so then
5 you go, o- --

6 Joe: But who is to determine what's excessive?

7 Bereki: Well, I -- I -- I -- I'll give you --

8 Joe: (Inaudible - 00:41:59) interpreted that law at some
9 point.

10 Bereki: I'll -- I'll give you -- I'll give you the case law of
11 a recent Appellate Court decision right here in
12 Southern California, and the court --

13 Joe: And who -- who hears -- uh, who creates case law?

14 Bereki: The Appellate Courts do.

15 Joe: Right. And if, uh -- it's ul- -- it's like if a tree
16 falls in the woods and nobody's around to hear it,
17 does it make a sound? If the Appellate Court isn't
18 able to or willing to listen to a case, then they
19 can't create case law, or they can't even interpret
20 case law.

21 Bereki: W- --

22 Joe: So that's the problem. That's where we're at.

23 Bereki: No, no. No, no. No, no, it's not. It's if they're -
24 - if they're doing something -- let's just even say
25 that it's not criminal. If they're doing something



1 and they're -- the act of what they're doing is
2 violating someone's rights, that doesn't mean that
3 they get to keep violating someone's rights because
4 they don't know what they're doing. That's the whole
5 point of having a government of checks and balances,
6 is for me to go over to here to the police department,
7 because the judgment's getting enforced upon me and my
8 property, my liberty is being restrained obviously
9 because I can't work, and now, uh, the house that I'm
10 -- my -- that's in my estate is gonna get foreclosed
11 on, and I'm gonna get forced into bankruptcy, there
12 has to be an agency of government that can do
13 something. That --

14 Joe: Sure, I would agree with you, but it's not the police
15 department in this -- under these circumstances, based
16 on what I -- what I'm hearing from you.

17 Bereki: H- -- h- -- I don't -- I don't understand your
18 reasoning, Darrin. Could you -- could you maybe -- so
19 -- so i- -- if I look back upon my -- my duty as a
20 policeman, I had to protect people's constitutional
21 rights and their property.

22 Joe: Mm-hmm.

23 Bereki: So if they came to me with a crime that was being
24 committed, or a dep- --

25 Joe: Right.



1 Bereki: -- some -- another agency of government that was
2 depriving them of rights secured by the constitution,
3 I had to investigate it. I couldn't just say, "Oh
4 well, you know, it seems like you're unhappy with the
5 judgment, and, you know, the courts aren't listening"
6 -- you can't do that. The duty is that if a complaint
7 is made and there's a bon- -- a bona fide complaint,
8 right? I'm legitimate. I'm offering to come down --
9 Joe: There's the crux -- there's the crux, Adam. We don't
10 know if this is bona fide, and based on what you're
11 describing, it's not.
12 Bereki: Well, so -- so Darrin --
13 Joe: This is in my estimation in the last 45 minutes.
14 Bereki: What -- what if I come down there, which I'm willing
15 to do any time, today, next -- next week, uh, we can
16 meet on Zoom if you're worried about COVID, whatever.
17 I will give you the documentation that will support
18 everything that I'm sharing. The law that the Supreme
19 Court has said, exactly what happened in my case, the
20 dates and times, the Case Number. You can go and look
21 it up and verify everything that I'm saying
22 completely.
23 Joe: Okay, I -- I believe everything that you're -- all
24 your research. I -- I have a hundred faith in you
25 doin' your due diligence in order to fight this thing.



1 What I would like to have, and you can email it to me
2 or drop it off, is the -- the judgment that we're
3 talking about. So, the, uh, Register of Actions, the
4 court notes, whatever you have, the penalty that --
5 that was written, um, everything that you have
6 regarding this -- this decision that you disagree
7 with, and I will -- I need you to give me a chance to
8 review it and bounce it off a couple people, and then
9 I can -- we can talk again about where to go.

10 Bereki: Okay.

11 Joe: If I -- if I look through it and I see exactly what I
12 -- I think I'm gonna see, which is what other people
13 are telling you, then we're back to where we started.

14 Bereki: Th- -- that's fine. What -- what is it though that
15 you have the -- the notion that you're going to see?
16 That -- that -- I mean, and it's fine. You can -- you
17 can straight-up tell me that you think, hey, I -- I
18 don't think you're -- I think you're way off, Adam.
19 This can't be going on. I think you've already kinda
20 said that, right?

21 Joe: Yeah.

22 Bereki: Okay. All right.

23 Joe: I am. And it -- it might be -- it might be disguised
24 in -- in different legal mumbo jumbo, like we're
25 talkin' about, you know, where they're maybe



1 incorrectly splitting hairs when it comes to judgment,
2 or damages, or fines, or penalties, or things like
3 that. But that's -- that's a -- not an a- -- a matter
4 of law. It's a matter of -- of semantics.

5 Bereki: Yeah, this is -- this is no- -- m- -- my house, being
6 fined almost a million dollars, being forced into
7 bankruptcy, and financially destroyed, and not having
8 a job is not a matter of semantics to me.

9 Joe: I would agree with that, yes.

10 Bereki: So -- so this is more than semantics.

11 Joe: Yeah.

12 Bereki: This is not just a -- a -- a judge had a bad day, and,
13 you know, I'm unhappy because it was a he said-she
14 said. We're talkin' about full-on exercise of the
15 judicial power of California and the executive power,
16 without any constitutional authority, to financially
17 destroy me and ruin -- essentially ruin my life and
18 force me into bankruptcy, and divest me of everything
19 that I own in bankruptcy.

20 Joe: Mm-hmm.

21 Bereki: That -- that is huge.

22 Joe: Absolutely.

23 Bereki: Especially if it's without authority. Now, I -- I am
24 very grateful that you, um, uh, are willing to -- to
25 look at this, so I will put something together for



1 you.

2 Joe: Okay.

3 Bereki: And, um, get it to you. What -- what is your, uh,

4 email?

5 Joe: It is the l- -- it's my first initial and last name,

6 so it's gonna be D for Darrin.

7 Bereki: Uh-huh, uh-huh.

8 Joe: J-O-E.

9 Bereki: Uh-huh.

10 Joe: For Joe.

11 Bereki: Uh-huh.

12 Joe: And that's at N for Newport, B for Beach, P for

13 Police, D for Department.

14 Bereki: Uh-huh.

15 Joe: Dot O-R-G. So all together it's djoe@nbpd.org.

16 Bereki: Okay. So, I will get that to you. But let's just

17 hypothetically say, what if I'm saying -- what if what

18 I'm saying is true, and there are potentially hundreds

19 of other people who have gone through this, and this

20 is what the state is doing?

21 Joe: Then I -- just off the top of my head, there needs to

22 be some sort of class action against all of this.

23 Because, to this point in the conversation, we still

24 haven't established what crime is occurring, other

25 than maybe a -- a constitutional rights violation,



1 which is still very -- very ambiguous in terms of what
2 I can do from my desk in Newport Beach.
3 Berekhi: Yeah, okay. So w- -- well, let's just start with the
4 facts. And I'm -- I'm good with that for now.
5 Joe: Mm-hmm. Sure.
6 Berekhi: Um -- um, and -- and we can go with that. So I will
7 get you the stuff --
8 Joe: Okay.
9 Berekhi: -- that will substantiate what I'm saying, and then we
10 can go from there, how's that?
11 Joe: Perfect.
12 Berekhi: Okay.
13 Joe: That sounds good to me.
14 Berekhi: Darrin, thank you so much for your time.
15 Joe: All right, you're welcome, Mr. Berekhi.
16 Berekhi: Okay.
17 Joe: I'll, uh, talk to you later.
18 Berekhi: Oh, brother.
19 Joe: Have a good weekend.
20 Berekhi: Okay, you too. Thank you.
21 Joe: Uh-huh.
22 Berekhi: Bye.
23 Joe: Bye.
24
25



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