

Call with Sergeant Darrin Joe, Part 2

Recording Name:

[E25 NBPD– COMPLAINT TO SGT. DARRIN JOE PART 2
OF 4 110421]

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1 Joe: -- I'm still in the same spot I was six days ago with
2 -- with all of this.

3 Bereki: Okay, can you -- can you tell me, uh, where you're
4 stuck, or maybe what -- what doesn't make sense, or
5 elaborate a little bit more on -- on your position?

6 Joe: It's -- it's all the same, Mr. Bereki. Um, this --
7 this shouldn't -- shouldn't fall into the lap of a
8 local police department to investigate. Um, and if it
9 -- if it were to, I -- I took a step back and -- and
10 thought about it, uh, a little more after you and I
11 disconnected last week. Um, thank you for sendin' me
12 the -- the -- the, uh, Judgment Order, 'cause that --
13 that helps shed a -- a little bit of light on -- on
14 this thing. This -- this case was from 2015 and got -
15 - got, uh, essentially adjudicated in 2017, correct?

16 Bereki: Yes.

17 Joe: Okay, and was -- was it a jury trial, or was it just a
18 trial by judge?

19 Bereki: Well, that was the point, I was denied a trial by
20 jury.

21 Joe: Okay. Okay. Uh, if this were to be your typical
22 crime --

23 Bereki: Darrin, Darrin, I -- can I interrupt you for a second?
24 Just one thing?

25 Joe: Yeah.



1 Bereki: I just wanna know, um, that I want to record this
2 conversation, so I wanted to give you notice of that.

3 Joe: Okay.

4 Bereki: Okay, so go ahead. I'm sorry.

5 Joe: So if -- if this were to be a crime, uh, typically in
6 the State of California when we -- you know, we're
7 dealin' with -- with, uh, misdemeanors and felonies,
8 your typical felony in -- in California, the statute
9 of limitations is three years, typical misdemeanor is
10 -- is one year. Now that can change with -- fraud or
11 with, uh, obviously homicides or sexual assaults, with
12 which -- none of which this is. But, uh, it -- it
13 looks like this case would be out of statute. Um,
14 it's -- it occurred four and a half years ago. Uh,
15 furthermore, it's -- it's out of jurisdiction, because
16 these, if you will, judicial activities occurred in
17 the City of Santa Ana. So Santa Ana PD -- if -- if it
18 were to go the criminal investigatory route, Santa Ana
19 PD would be the -- be, uh, its jurisdiction. Or, the
20 Orange County Sheriff's Department, since they have
21 obvious involvement with the Superior Court in the
22 County of Orange. So I just wanted to throw that out
23 there. But, um, you and I can -- can talk more about
24 -- about the merits of your case. But like I said,
25 we're -- we're still -- we're still at square one, in



1 terms of -- of this being a -- a civil decision that
2 you disagree with. Um, there are some semantics
3 issues when it comes to the damages as opposed to
4 fines. Um, I did think more about the -- the venue
5 for the "prosecution of a Business and Professional
6 Code violation," but I thought back to, you know,
7 civil cases. Uh, the family of Nicole Brown Simpson
8 sued O.J. -- O.J. for wrongful death. And, I mean,
9 essentially that's a -- a 187 investigation that --
10 that got -- or a 187 case that got adjudicated in
11 (inaudible - 00:03:13) court. So it -- it happens
12 quite often. But like -- like I said --

13 Bereki: O- --

14 Joe: -- my familiarity is -- is minimal with -- with that
15 type of stuff. Um, I -- I do have questions, though.
16 You are the one that sued the Humphreys family, and
17 yet, you know, this -- the -- the judge ruled in their
18 favor, therefore that's why you have the damages, uh,
19 attached to you. What is -- what does your attorney
20 have to say about all of this? I mean, this -- these
21 issues should've been brought up right then and there,
22 and not, you know, four and half years later, right?
23 So --

24 Bereki: Okay, um, you said a lot of things. So -- so I -- I
25 took some notes, so I'm gonna go point -- point by



1 point, okay?

2 Joe: Okay.

3 Bereki: Maybe a little bit out of order. Okay.

4 Joe: Sure.

5 Bereki: Um, there's a big difference between damages, and
6 punitive damages, and a fine, and that's not
7 semantics. Those are -- those are huge things in law.
8 Just like it's a big difference between a penalty and
9 restitution.

10 Joe: Okay.

11 Bereki: Okay. So --

12 Joe: Is that just your opinion, or you know, like --

13 Bereki: No, everything that I'm sharing with you, I can back
14 up with case law, whether in California or the United
15 States Supreme Court.

16 Joe: Okay.

17 Bereki: This is law, okay?

18 Joe: Like we said earlier though, why aren't there any
19 other attorneys that are willing to hitch their wagon
20 to your case? If (inaudible - 00:04:45) --

21 Bereki: Darrin, Darrin, Darrin, Darrin.

22 Joe: -- I'm just confused.

23 Bereki: I -- I -- I understand, and I -- I share in your
24 confusion on that. But that does not --

25 Joe: Yeah.



1 Bereki: -- that does not change the validity of the law and
2 what I'm sharing with you. If -- if you looked at
3 those cases that I sent you and the quotations that I
4 made in the document that I sent you, it's in their
5 own words that it's a penalty and that it's a fine. I
6 mean, I'm not saying it, they are. And so I -- I
7 agree with you. I am -- I am as befuddled as you are
8 about why --

9 Joe: Sure.

10 Bereki: -- attorneys won't take this on. But I do -- I have
11 spoken with several attorneys, and a maj- -- a
12 majority of them don't understand the issue, or two,
13 they refuse to take on the issue because they do not
14 want to challenge a judge. They told me it would be
15 career suicide, even if I were correct. So, that is
16 the issue. That is -- that is one issue. So, it's
17 not semantics of whether the judgment order says
18 damages or fine or not. That -- that -- there are
19 different ways -- so a damage is obviously -- like
20 let's say I ran into your car and I caused \$10,000 in
21 injury to your automobile, and let's say another
22 10,000 to some part of your body.

23 Joe: Mm-hmm.

24 Bereki: So, in that case, the court would award damages of
25 20,000, 10 to you, 10 for the car, and that's damages.



1 It's recompense for an actual injury suffered. Okay,
2 it's a different thing --

3 Joe: Uh-huh.

4 Bereki: -- if on top of that, the court says, "Well, Adam, you
5 were, uh, reckless driving, and that was negligent,
6 and so because of that, I'm going to punish you
7 \$100,000." That's a punitive damage, okay? It's a
8 whole other thing if the court says, "Well, I'm just
9 going to fine you because you violated the vehicle
10 code, and the punishment for violating the vehicle
11 code is, let's say \$10,000."

12 Joe: Mm-hmm.

13 Bereki: So those are three different things that happen in
14 law. Okay, when it comes to punitive damages and
15 fines, that's where the excessive fines clause comes
16 in, under both the California Constitution and the
17 Constitution for the United States, okay?

18 Joe: Okay.

19 Bereki: So if --

20 Joe: So, I don't have the case. I don't know what you did
21 that was so awful, so I can't render an opinion as to
22 whether or not I agree that \$848,000 --

23 Bereki: Well --

24 Joe: -- is -- is excessive.

25 Bereki: Uh, well, I -- I can share this. If you read the --



1 the letter that I sent you --

2 Joe: Mm-hmm.

3 Bereki: -- I put in there the -- the criteria that the court
4 has to go through to determine what makes a fine
5 excessive or not. There are four criteria. One of
6 them is that it has to be --

7 Joe: But I don't know what you did, Adam.

8 Bereki: Darrin, I put it on there. They alleged that I was an
9 unlicensed contractor.

10 Joe: That's it?

11 Bereki: That- -- that's what I did. That's the crime. Okay,
12 if you go and look at driving without a license, the
13 maximum fine is \$250.

14 Joe: Mm-hmm.

15 Bereki: Okay, if you go and look up Business and Professions
16 Code 7028, that's a criminal statue for, um, or penal
17 statute for violating -- for contracting without a
18 license. You'll see on there that --

19 Joe: It's not -- it's not penal, it's B and P.

20 Bereki: Well, that's penal. If you go look up what the
21 definition in the penal code is, it says a crime or a
22 public offense is in violation of a law forbidding or
23 commanding an act upon which is annexed upon
24 conviction a fine, death, imprisonment, whatever. So
25 if you commit a violation of the Business and



1 Professions Code and this is a fine or imprisonment
2 attached to it, it's a penal offense.

3 Joe: Okay.

4 Bereki: All right? So --

5 Joe: Hm.

6 Bereki: -- if you go and look at the maximum fine for
7 contracting without a license under B and P 7- --
8 7208, the maximum fine is \$5,000. Okay? So, I can
9 give you 10 cases, 10 recent cases, from the Superior
10 Court of Orange County, and shows the 10 most recent
11 convictions of Business and Professions Code 7028, and
12 in each case, I think the average was the person got
13 seven months -- or one year of informal probation and
14 a, uh, \$700 fine.

15 Joe: Mm-hmm.

16 Bereki: Okay, so you can, as an ordinary rational human being,
17 which you clearly are, otherwise you wouldn't have
18 that job. You -- you -- you can see that an \$848,000
19 fine to financially decimate someone is not -- is --
20 has to be excessive and unreasonable, and it has to be
21 cruel and unusual punishment. Even -- okay, so if you
22 just take into that account, there's a serious problem
23 here, because what I've just given you is the -- the
24 maximum penalty that -- the maximum fine that the
25 legislature has allowed for a first-time offense of



1 contracting without a license.

2 Joe: Mm-hmm.

3 Bereki: That's what I allegedly did, okay? So right away, you

4 have to apply the Excessive Fines Clause and

5 Protections, all four of them. Not -- so the first

6 one is it has to be proportional to the offense. It's

7 clearly not. Um, another one is that they have to

8 take into account my ability to pay. Now, I sent you

9 a case on that issue, which was the People V. Callen

10 (ph) case. Did you read that?

11 Joe: I did not. (Inaudible - 00:10:32).

12 Bereki: Okay. That's -- it's --

13 Joe: I read your -- your six-page letter that you --

14 Bereki: O- -- okay --

15 Joe: -- personally typed.

16 Bereki: Okay, so that is why I sent you those cases, Darrin,

17 is for you to read them to understand more of the

18 issue that I'm saying here.

19 Joe: And that's why I opened with, this -- we're not the

20 proper agency to -- to look into this for you, but I'm

21 willing to talk to you on the phone.

22 Bereki: Okay. So I'll get to that point, because that was

23 something that you -- that you brought up.

24 Joe: Yes.

25 Bereki: Okay? So, um, what's -- that is a b- --



1 Joe: Let me get to that point first, Adam, so that we can -
2 -
3 Bereki: Okay.
4 Joe: -- you know, not -- not spend --
5 Bereki: Okay.
6 Joe: -- too much time on -- on the particulars than we need
7 to.
8 Bereki: Okay, there -- there is no jurisdictional issue when
9 it comes to making a complaint for a deprivation of
10 rights or a Petition for Redr- -- Redress of
11 Grievance. It doesn't exist.
12 Joe: Okay.
13 Bereki: I can go, under Article 1, I believe it's Section 26,
14 or 17, whichever one, the Petition for Redress of
15 Grievance, right is -- it -- that means that I can
16 make a complaint to any branch of government anywhere
17 in the State of California at any time, okay?
18 Joe: Okay.
19 Bereki: And, also, in regard to your, um --
20 Joe: If there's a constitutional rights violation, right?
21 Bereki: Right, which i- -- which is --
22 Joe: But we're not in agreement that there's a
23 constitutional rights violation here.
24 Bereki: O- -- okay.
25 Joe: But you're trying to explain it very well.



1 Bereki: Okay, Darrin --

2 Joe: But I'm not convinced.

3 Bereki: I -- I understand, and that's why we were going over

4 the other subject, and you said you wanted to go to

5 the jurisdictional issue.

6 Joe: Mm-hmm.

7 Bereki: So --

8 Joe: I did, okay. That makes sense.

9 Bereki: Right. Okay, so -- so, um, yes. And there's also no

10 statute of limitations on constitutional rights

11 violations. And the actual violation of my rights is

12 an ongoing crime, so that statute has not run, because

13 the crime has not stopped. It's currently in

14 progress.

15 Joe: Okay.

16 Bereki: Okay? And just so you know, I have made other

17 complaints, I'll leave it at that. Uh, well, I'll le-

18 -- I'll leave it at that for right now.

19 Joe: Okay.

20 Bereki: Um, uh, so we're not out of jurisdiction. We're not

21 out of statute. And I can make a co- -- a complaint

22 to Newport Beach whether there's a nexus to the

23 incident or not, and, in fact there is a nexus to the

24 incident because, uh, the whole thing began in your

25 city.



1 Joe: On Lido Isle.

2 Bereki: Yes, okay. So you mentioned the issue of Nicole Brown
3 Simpson, I just want to, um, bring that up.

4 Joe: Uh-huh.

5 Bereki: What the law allows sometimes is to have both a
6 criminal prosecution and a civil trial. And what
7 happened in the civil trial is they did not prosecute
8 O.J. Simpson for 187. They received a claim of
9 damages and punitive damages for his behavior. That
10 is why it's so important to discern between a fine and
11 incarceration, which are penalties that happen in
12 criminal proceedings, and damages and punitive damages
13 that are allowable in civil proceedings.

14 Joe: Uh-huh.

15 Bereki: The reason that there's such a differentiation between
16 those two is because of the heightened protections
17 that the Constitution requires in criminal proceedings
18 versus civil proceedings, like -- like, uh, there's a
19 higher burden of proof. Obviously, proof beyond a
20 reasonable doubt in criminal cases, and in civil
21 cases, it's reasonable suspicion. Okay, there's also
22 other substantive --

23 Joe: Mm-hmm.

24 Bereki: -- protections, like the right to know the true nature
25 and cause of the accusation. Um, some civil cases may



1 not -- you may not have a right to a jury trial if
2 it's -- if it's an equity case. So -- so it's very
3 important to d- -- discern what the type of action is,
4 and who's bringing it. Because again, in the first
5 part of my letter that I sent you, only the District
6 Attorney can bring claims for criminal charges against
7 the People. Private parties cannot prosecute each
8 other. So that's why it's important to go to the
9 Judgment Order and to discern whether the judge's
10 order was really an order for damages, meaning I
11 caused them \$848,000 in harm, and so I have to pay
12 that back because I injured them, or whether or not
13 that was a fine. Now, if you go to my letter, um, let
14 me look at it, uh, r- -- real quick right here.

15 Joe: Okay.

16 Bereki: Um, I'm just looking in my sent -- uh, there was a
17 case in there, uh, let's see here. There it is. It's
18 the Eisenberg (ph) case. Did you read that part?

19 Joe: Which page?

20 Bereki: Um, let's see here. Um, it's -- it's right before it
21 says "Issue Three." "A recent California Court of
22 Appeal held the following," do you see that?

23 Joe: Yes.

24 Bereki: Okay, so what the -- this is the California Court of
25 Appeal in 2020. What they said is the penalty



1 mandated by the Business and Professions Code they
2 charged me with is not designed to compensate the
3 plaintiff for any harm, meaning it's not for --

4 Joe: I read that, yep.

5 Bereki: It's not for damages. It's intended to punish the
6 unlicensed contractor. What that means is it's either
7 at that point gotta be a punitive damage award or a
8 fine. Okay.

9 Joe: Yes.

10 Bereki: Because damages, you have to provide evidence of how
11 you were injured. You can't just say that so and so
12 ran into my car and I had a million dollars in
13 damages.

14 Joe: And you wrote that -- that you're not aware of -- of
15 any injury presented at the trial.

16 Bereki: There was none. Which --

17 Joe: So, yeah, that -- that would mean that -- that the
18 \$848,000 figure is way out of whack.

19 Bereki: Ex- --

20 Joe: Like I said, I don't -- I don't have your -- you know,
21 every detail from your -- your hearing, so I don't
22 know what the Humphreys said or did, or presented.

23 Bereki: N- -- I -- I -- I --

24 Joe: So I can't -- I can't argue that right now.

25 Bereki: I understand. And I appreciate the fact that you're -



1 - you're -- you're looking at both sides, and I can
2 give that information to you so that you can confirm
3 that. But the point is right now, just -- I
4 appreciate the fact that you're also taking into
5 account that -- that I can back up and share with you
6 the evidence of what I'm saying.

7 Joe: Mm-hmm.

8 Bereki: But it seems to me you're starting to see a bit about
9 where I'm coming from now. It feels to be more clear
10 than ever, um, about -- about the problem going on
11 here. So --

12 Joe: Yeah, it's -- I'll tell you what, it's -- it's
13 ridiculous, uh, that -- I mean, if I were in your
14 shoes I'd be doin' the same -- same stuff. I would --
15 well, you know, I don't wanna cut you off too -- too
16 quick, but, uh, you had some notes you wanted to run
17 through.

18 Bereki: Um, so, um, I think I went through them. You also
19 mentioned, um, uh, Station 18 and Station -- what's --
20 Fountain Valley, whatever they are. Um --

21 Joe: Yeah.

22 Bereki: Uh, or not Fountain Valley, um, Santa Ana. Um --

23 Joe: Thirty-one.

24 Bereki: Yeah, uh, I'll talk with you about them later, but
25 yes, they also have jurisdiction here, and --



1 Joe: Uh-huh.

2 Bereki: -- we can -- we can talk about that issue later. I'd
3 rather, um --

4 Joe: The -- the main -- the main law enforcement agency
5 with jurisdiction, and I -- I know we already talked
6 about this, would be the FBI. They're -- they're the
7 -- the agency in charge of investigating civil rights
8 statutes, or violations of the -- the civil rights
9 statute.

10 Bereki: Okay. So, um --

11 Joe: Uh, we had a conversation and, yeah, I know you
12 already went to them, and they shined you on, or --

13 Bereki: What -- well --

14 Joe: -- didn't pick up the case, right?

15 Bereki: -- and -- and I also want to, um, share with you that
16 that -- what you just shared is not a- -- actually
17 correct.

18 Joe: Okay.

19 Bereki: Um, constitutional rights are not civil rights
20 violations.

21 Joe: Okay.

22 Bereki: That's -- that's number one. Number two, they can
23 only investigate federal crimes. Okay?

24 Joe: Okay.

25 Bereki: So that would have to be a violation of 18 USC 241 or



1 242, and that would have to apply to violations of the
2 U.S. Constitution. And clearly --
3 Joe: Right.
4 Bereki: -- in my letter, I cited both violations of the
5 California Constitution and the U.S. Constitution.
6 Okay?
7 Joe: Mm.
8 Bereki: So that being said, they can handle claims of -- of
9 federal constitutional issues and crimes per 18 UCS
10 241 and 242. But now we're talking about rights.
11 We're talking about potential violations of California
12 penal statutes, and also violations of the California
13 Constitution, which the FBI cannot enforce. So --
14 Joe: But that -- so, but that -- so that would be the state
15 DOJ then. And --
16 Bereki: Um, well --
17 Joe: -- that's for --
18 Bereki: -- actually -- actually not. What -- what actually
19 happens is --
20 Joe: (Inaudible - 00:19:58).
21 Bereki: -- if you -- if you go to the DOJ's website and you
22 call the DOJ --
23 Joe: Uh-huh.
24 Bereki: -- they tell you to go make a -- a report --
25 Joe: Okay.



1 Bereki: -- at your local law enforcement agency.

2 Joe: Okay.

3 Bereki: Okay, so --

4 Joe: And then it gets forwarded to the -- to the state DOJ?

5 Bereki: Uh --

6 Joe: Again, I -- I'll be a hundred percent honest with you,

7 I'm not familiar with any examples of any local law

8 enforcement agencies investigating any California

9 Constitution violations.

10 Bereki: I -- I -- I understand that. I have not -- I don't

11 have experience with that myself.

12 Joe: Uh-huh.

13 Bereki: But what I do know is that in my investigation

14 experience, lawyers do not go this route to go after

15 judges because it is career suicide.

16 Joe: Right.

17 Bereki: They are terrified of -- I don't -- I don't see -- I

18 don't have a bar license, and I don't have a business

19 representing clients that I have to worry about going

20 before all of these judges in the future. And they --

21 of course they all talk.

22 Joe: Right, right.

23 Bereki: So, and you know that -- I mean, I'm not saying that

24 their -- their brotherhood is illegal, but there are

25 certain things that a court has discretion to do, and



1 they can ream your ass and make it very difficult --

2 Joe: Mm-hmm.

3 Bereki: -- if you mess with them. Um, and these lawyers are

4 very well aware of that. And, you know, they're just

5 not gonna do career suicide over it, not for -- not

6 for my case. If -- you know, if we were talking about

7 some trillion-dollar judgment that was the be all, end

8 all for their career and they were, you know, gonna do

9 a kamikaze dive through this thing --

10 Joe: Mm-hmm. Yeah.

11 Bereki: -- uh, then -- then maybe we'd see that. But that's -

12 - that's not what's going on right now. So, um,

13 that's where we're at. So that's why, um -- I don't

14 know, maybe I can turn it back over to you to see if

15 you had some other questions. That's why it's so

16 important to go through and understand each of these

17 issues that I brought up, because each of them go to

18 whether the court had authority under the constitution

19 to do what it did.

20 Joe: Yeah, and --

21 Bereki: Okay.

22 Joe: -- so, goin' back to our -- our conversation last

23 Friday, you know, I -- it just sounds like it's tailor

24 made for judicial misconduct and making that -- that

25 complaint. You didn't get any answers there, right?



1 (Inaudible - 00:22:32) --

2 Bereki: Well, I did. I -- I -- I did get an answer.

3 Joe: You made that case, uh, through different routes,

4 right?

5 Bereki: U- --

6 Joe: And they wouldn't re-hear it, is that correct?

7 Bereki: Um, okay, let me -- let me address the first thing.

8 You said that I went to the Judi- -- the Council of

9 Judicial -- or Commission on Judicial Performance and

10 I didn't get an answer there. That's not correct.

11 Joe: Yes.

12 Bereki: I did get an answer --

13 Joe: No, not the Judicial -- I'm sorry.

14 Bereki: I'm sorry, go ahead.

15 Joe: I thought you -- you had told me that when I asked you

16 on Friday.

17 Bereki: Oh, no, no. I -- I --

18 Joe: Or I'm misremembering.

19 Bereki: No, no, you didn't misremember. You just misstated a

20 little bit.

21 Joe: Okay.

22 Bereki: I -- I did -- I did go to them, and I did get a

23 response. But what they told me was basically they

24 didn't think that there was any misconduct, and so

25 they closed my case. And that is a bold-face lie.



1 The other -- the other issue with that is -- and --
2 and -- and I could be wrong, I don't know about this
3 for a hundred percent s- -- certain, but the
4 Commission on Judicial Performance is not --
5 Joe: Mm-hmm.
6 Bereki: -- is an administrative agency. And I do not believe
7 they have -- they do not have, or cannot have, under
8 the Constitution, full executive powers under Article
9 6, Section 1, to investigate criminal acts by judges.
10 Joe: Okay.
11 Bereki: So, what they investigate are things like judges
12 drinking on the job, judges falling asleep on the
13 bench.
14 Joe: Mm-hmm.
15 Bereki: Judges not showing up to work.
16 Joe: Mm-hmm.
17 Bereki: Uh, that type of thing. Um, so that is -- that's the
18 point there. So the only other executive law
19 enforcement agency in the State of California are
20 police departments. There is no FBI of California,
21 it's the police department. The police department has
22 the duty to see that the law is faithfully executed,
23 period.
24 Joe: Okay.
25 Bereki: Um --



1 Joe: So that brings us back to -- well, before I talk -- we
2 talk about the laws that are broken, uh, tell me more
3 about this -- this J. Scott Russo, Esquire. Like, did
4 he let you get on this?

5 Bereki: No, he did not.

6 Joe: Is it a bar issue?

7 Bereki: No, no. So I --

8 Joe: Okay.

9 Bereki: So it wasn't me that sued the Humphreys, it was my
10 company.

11 Joe: Okay.

12 Bereki: My company is -- was called the Spartan Associates,
13 Inc., or Spartan Construction.

14 Joe: Mm-hmm.

15 Bereki: I'll just call it Spartan for now, and you'll know
16 what I mean.

17 Joe: Okay.

18 Bereki: So the Humphreys didn't pay my company about 80 grand
19 in materials and labor for the project.

20 Joe: Mm-hmm.

21 Bereki: So, um, my company sued them for the 80 grand.

22 Joe: Mm-hmm.

23 Bereki: And then they cross-complained, or cross-sued my
24 company and me.

25 Joe: Right.



1 Bereki: Okay? So, um, after that, uh, right before trial, I
2 ran out of money to keep paying Russo to represent me.
3 Joe: Mm-hmm.
4 Bereki: And he chose to represent my company, um, without
5 charge.
6 Joe: Okay.
7 Bereki: So, I did not have council at trial. And again,
8 because I know we haven't gone over why exactly this
9 issue yet, but because I was criminally prosecuted, I
10 have a right to have a -- appointed counsel, to a
11 public defender. And the judge never told me that and
12 never gave me, uh, counsel. Okay, that's another
13 major issue. The Supreme Court has repeatedly --
14 Joe: But you're -- you're saying that in your civil trial,
15 for which you sued them, you were criminally
16 prosecuted, and therefore you should've had a -- a
17 public defender provided to you in your --
18 Bereki: O- -- okay, so -- so --
19 Joe: -- in your civil trial.
20 Bereki: No, that's not what I'm saying.
21 Joe: Okay.
22 Bereki: You -- you're saying that my trial was civil, and I'm
23 saying that it's not. In the same way that the
24 damages were really disguising, uh, a very highly
25 unconstitutional find, the trial also disguised the



1 fact that it was a criminal proceeding.

2 Joe: Okay, but so -- I mean, that's confusing, right? You
3 can't have it both ways.

4 Bereki: No, th- -- the hell you can --

5 Joe: Right.

6 Bereki: You can illegally conduct a trial and call it a civil
7 proceeding and have all the makings of a civil
8 proceeding, but it -- actually have it -- have it be a
9 criminal proceeding in disguise. The way that that
10 would happen would be like this. Let's say, as -- as
11 outlandish as this is, it's exactly what happened in
12 my case. Let's say that, um, I -- I knew my neighbor
13 didn't have a driver's license.

14 Joe: Okay.

15 Bereki: And so, I file the case in the Superior Court for, uh,
16 12500(a), and I sued him for -- for, um, driving
17 without a license, okay? In my case, it's contracting
18 without a license.

19 Joe: Okay.

20 Bereki: So then, let's say in Superior Civil Court, I sued
21 him, and I -- we went through the trial, and the judge
22 said, "Okay, uh, Mr. Neighbor, your fine is, um,
23 \$848,000 for not -- for driving without a license,
24 pursuant to 12500 CVC." And so, uh, Mr. Neighbor
25 goes, "Well, wait a minute, this is a -- a penal



1 statute of the Vehicle Code. This is Adam guy can't
2 prosecute me in a civil case for this. You have to
3 have the District Attorney bring these charges, and
4 this is penal because I didn't cause any damages, I'm
5 being fined \$848,000 for driving without a license.
6 And Judge, more over, where are you getting the
7 authority to fine me \$848,000 for driving without a
8 license? It says right here in the book that the
9 maximum fine is \$250 for a first offense."

10 Joe: So why wasn't any of this -- and this all good stuff,
11 why wasn't this brought up before March 27, 2017?

12 Bereki: Okay, so that was part of the fraud. So part of the
13 fraud in this case is that the State of California has
14 been, for the last hundred years, conducting these
15 criminal trials under the disguise of civil trials,
16 okay? And I have not gone to, um, law school --

17 Joe: Mm-hmm.

18 Bereki: -- to learn how to discern -- like you can just tell
19 right now the difficulty -- the -- you're having to
20 ha- -- face a very steep learning curve right now, and
21 I'm explaining every issue to you. Take it -- now,
22 consider me, coming straight out of the police
23 academy, having very -- you know, t- -- about 10 years
24 of experience in law enforcement. I think you
25 probably have 20, or something like that now. Um, but



1 consider that -- that we have essentially similar
2 levels of experience and you were to be blindsided by
3 something like that and not have a fricking clue what
4 was really going on. On top of that, thinking that,
5 oh, the judges in the courts would never do something
6 like this, you know? This can't be this. But then,
7 after you realize something was terribly wrong, you
8 had to put yourself through law school in your own way
9 to figure out the fraud that was being perpetrated on
10 you, because you knew something was wrong. Like you -
11 - if you couldn't -- let's just hypothetically say you
12 were out contracting without a license.

13 Joe: Okay.

14 Bereki: It would be fucking outrageous for you to be fined
15 \$850,000 for -- for doing that. And then to them
16 attach a lien on your house and force you into
17 bankruptcy? I mean, you know it's -- like I said,
18 you're a reasonable guy, you know that something is
19 terribly wrong. And that's -- that's --

20 Joe: But like we talked about earlier, I'm approaching it
21 with an open mind. There might be another
22 explanation, 'cause I don't know what the Humphreys
23 are alleging.

24 Bereki: Well -- well that's what they alleged, that I -- that
25 I contracted without a license, and that as a result



1 of --

2 Joe: You can't think of any other reason why this -- this
3 whole thing happened?

4 Bereki: No, Darrin, no. Here's the truth about the whole
5 thing. We legitimately had a dispute over some of the
6 things that are on the project.

7 Joe: Okay.

8 Bereki: And those things -- those things are civil, and they
9 require a civil trial to evidence whether damages were
10 occurred or not. I do not dispute that all that is
11 civil --

12 Joe: What --

13 Bereki: -- period. That's fine. That's not at issue here.
14 But what happened before trial was they changed their
15 complaint. They did what's called a First Amended
16 Complaint, and they --

17 Joe: Uh-huh.

18 Bereki: -- they dropped all of their cross-claims against my
19 company -- well, they severed them, they didn't drop
20 them. They severed them so that when we went to
21 trial, the only issue was whether I was licensed or
22 not. It was not an action against my company, it was
23 an action exclusively against me to prosecute me
24 criminally in a civil case, and for them to get a
25 total forfeiture of all the money that they paid both



1 me and my company. That's what that eight- --

2 Joe: What are civil things that they're saying against the

3 company?

4 Bereki: They said that my company, uh, damaged them, that --

5 that I didn't do the work.

6 Joe: (Inaudible - 00:31:56).

7 Bereki: That I messed up their job. That I charged them for

8 things that they didn't get. That I took longer than

9 I should have. Those are all --

10 Joe: The --

11 Bereki: -- civil.

12 Joe: -- the 848 was essentially the money they paid you for

13 the job?

14 Bereki: Yes.

15 Joe: When you came in, right?

16 Bereki: Yes.

17 Joe: Okay.

18 Bereki: So -- so -- so they paid \$848,000 for the job. And

19 what that \$848,000 was, was I -- I don't even

20 remember, but I'm just gonna make up a number. Let's

21 say that I -- I spent 600,000 on materials and 200,000

22 on labor.

23 Joe: Mm-hmm.

24 Bereki: So I gave them the 600,000 in materials, and I gave

25 them -- well I supplied the labor, my company did --



1 Joe: Mm-hmm.

2 Bereki: -- to, um, to give them the, uh, the value that they,
3 uh, agreed upon with my company for the work they
4 wanted. They wanted a custom home remodel, so that's
5 what my company gave them. And then, what happened is
6 when we went to trial, essentially what the judge says
7 was they get to keep the 848,000 that you already gave
8 them, and you have to give them another 848,000.

9 Joe: Right, and -- and so that -- that -- you know,
10 obviously that's ridiculous. We already covered that.
11 Uh, but you essentially invested money into their --
12 where they live, or where they -- what they owned, and
13 then they won the, uh, amount back as punishment, or
14 fine, or damages, whatever (inaudible - 00:33:18).

15 Bereki: Well -- well, n- -- no, that -- that -- there's a --
16 there's a very big discernment there that we have to
17 make clear.

18 Joe: But -- but --

19 Bereki: E- --

20 Joe: -- yeah, you tried to (inaudible - 00:33:27). I
21 honestly can't repeated it back to, but I'm starting
22 to wrap my mind around the -- the concept. Th- -- is
23 this something that we could -- we could handle in
24 mediation or arbitration?

25 Bereki: Well --



1 Joe: Because it -- it clearly could be argued that -- that
2 they've made back their -- or they've already got your
3 investment in their property. What more do they need?
4 I mean, we're tryin' to squ- -- squeeze blood from a
5 turnip, right? I mean, that's the way it sounds.

6 Bereki: Well, let me just back up real quick, okay? If -- if
7 -- if they go to court, y- -- what you said was is it
8 damages, or punitive damages, or a fine. I explained
9 that discernment earlier. But --

10 Joe: Yes.

11 Bereki: -- if it was a damages issue, they have to go to court
12 and prove that I harmed them, and how much that cost.
13 Like, let's say I put a wall where it didn't go, or I
14 didn't build a wall properly --

15 Joe: Mm-hmm.

16 Bereki: -- and I caused 'em \$50,000 in damages. What they
17 have to do is bring in an expert that says, "Look, you
18 know, I've been a construction foreman for 20 years,
19 and I looked at what this guy did. He charged them
20 \$100,000 to build a wall that only cost \$20,000 to
21 make. Here's a picture of what he did. Here's a
22 picture of how it's done right, and here's, uh, I
23 hired X, Y, Z contractor to come in and fix what he
24 did, and it cost the Humphreys --

25 Joe: Mm-hmm.



1 Bereki: -- 10,000 in damages. That's damages.

2 Joe: Okay.

3 Bereki: So they proved -- they presented evidence that I did -
4 - that I harmed them, and as a result, I have to pay
5 them to recompense, or to correct the damage that I
6 did to them, okay?

7 Joe: Yeah, I was talking about -- I was thinking when --
8 when you were explaining it, um, I mean, it would make
9 sense to me if they were going to essentially double-
10 charge you if they were completely unsatisfied or
11 uncomfortable, whatever, harmed by a -- a construction
12 project completed by an unlicensed contractor. Now
13 that's -- I'm not saying that's what you were, but
14 essentially they would have to tear it down and start
15 it over.

16 Bereki: Well -- well, okay, so -- so that's --

17 Joe: (Inaudible - 00:35:25) would make sense to me, I
18 guess.

19 Bereki: That- -- that's a great -- that's a great, uh, place
20 to stop, or to -- to consider. And if that were the
21 case, what they would have to do is make a civil claim
22 for damages, and they say --

23 Joe: Mm-hmm.

24 Bereki: -- "Adam didn't do X, Y, and Z, and here's our expert
25 that shows what he didn't do, and why he didn't do it,



1 and what he should've done, and that this cost us
2 \$848,000 to repair." None of that evidence appeared
3 at trial.

4 Joe: Mm.

5 Bereki: What they did, is they said, "We contracted with this
6 guy. He's unlicensed, and he has to give us all our
7 money back because of that." That's all that
8 happened.

9 Joe: Okay. So, I'm not -- I'm not here to -- I -- I can't
10 re- -- relitigate this or re-adjudicate it, obviously.
11 This -- it brings us back to you to what I can do to
12 help you, and what we've already covered, that -- that
13 we don't know how a cop in Newport Beach investigates
14 a violation of California constitution. I'm thinking
15 --

16 Bereki: The --

17 Joe: -- the best I can do for you Adam, is have you write
18 up something formal for me that I can put in a -- a
19 piece that gets forwarded to the State DOJ. That's --

20 Bereki: Okay, so let me address the first thing you said. How
21 does a police officer investigate a violation of
22 constitutional rights? Did I get that right?

23 Joe: Yeah, I'm not -- I'm not familiar with that. I'm not
24 trained in that.

25 Bereki: O- -- okay.



1 Joe: I don't know anybody who has on that.

2 Bereki: Um --

3 Joe: I've never seen that.

4 Bereki: The same way that you investigate any other criminal
5 activity. You interview the victim. The victim tells
6 you what happened, and you -- you write a crime
7 report, and -- and -- and you say that, you know, so
8 and so alleged that X- -- X, Y, and Z rights were
9 violated, and, um, that's that. You do -- you do a
10 report. I mean, it's -- it's the same thing as any
11 other crime. Now, that's the point that I -- the
12 reason that I sent you the, um, the learning domain
13 from the Police Academy.

14 Joe: Mm-hmm.

15 Bereki: Because it outlines in there very clearly that
16 officers always have -- they're bound to protect, uh,
17 constitutional rights, and when an officer is made
18 aware of, when somebody complains that their rights
19 are being violated by another branch of government or
20 by another Executive Branch officer, that the law
21 enforcement has a duty to intervene and to
22 investigate. Now, I don't know what that intervention
23 may be. It may be first that you, um, you take a
24 report of some kind, and you put the facts together in
25 your own mind to substantiate whether what I'm saying



1 is legit or not. Um, what -- another course of action
2 I -- I might recommend is for you to go to the City
3 Attorney and share that with him or her and see what
4 perspective they have about the -- the, if you will,
5 the merits of the case. Another thing could be to go,
6 um, talk with the Orange County, uh, Deputy DA, and
7 show them what's going on there. Now, the issue is,
8 generally speaking, the DA has, um, uh, discretionary
9 authority, or discretionary power on whether or not to
10 file charges or not.

11 Joe: Right.

12 Bereki: But that does not apply to constitutional rights
13 violations, because constitutional rights aren't
14 discretionary. It's not whether the government
15 chooses to --

16 Joe: Yeah, but well, we're not --

17 Bereki: -- respect it.

18 Joe: -- but we're still not even -- I mean, I'm still not
19 (inaudible - 00:39:06) your constitutional rights have
20 been violated.

21 Bereki: Okay, and so that's -- that's where -- that's --

22 Joe: That's where we're stuck, I guess.

23 Bereki: Well, I don't think we're stuck at all. I mean, based
24 upon our -- we've -- we've had two conversations now.

25 Joe: Just your opinion, man. That's -- that's 1- --



1 literally what you think versus what I think.

2 Bereki: Okay, well, can I finish real quick?

3 Joe: Sure.

4 Bereki: I'm -- like I said, we -- I was gonna say that we've

5 had two conversations --

6 Joe: Mm-hmm.

7 Bereki: -- and it seems to me that -- and I'm not saying that

8 if you were on my side, I'm just saying that it seems

9 that you're getting a lot clearer about what really

10 happened here during our conversations.

11 Joe: (Inaudible - 00:39:44).

12 Bereki: Okay? And so, I think the only thing missing is to

13 share with you, or point you in the direction of a

14 source that could further illuminate you, about how

15 exactly what I'm saying is a very, very serious

16 deprivation of constitutional rights. It's very

17 serious. Um, and -- and I don't -- I'm -- you know,

18 as you can see, I'm -- I'm willing to put in the time

19 and have the patience, and -- and whatever it needs to

20 be able to -- to bridge that gap so that we can work

21 together, because it's -- it's my understanding of law

22 that you have a mandatory duty to intervene and

23 investigate this. And I want -- I want to help you

24 perform that duty. So, you remember, like you said,

25 this is -- this is like something that could occur in



1 a movie, I w- -- I -- I want to be on the side of you
2 being the hero and not in the defendant's table. So
3 I'm giving you -- I'm here to -- to help you and
4 support you in -- in doing your duty, in doing your
5 job, and giving you everything that I can to, um,
6 support you in -- in -- in that way, in the way that I
7 can. Um, so whatever it needs to take, whether, you
8 know, we need to keep meeting a couple more times, or,
9 um, you know, you can keep asking questions. Um, I --
10 I'm here, and I'm -- I'm -- I'm willing to do that.

11 Joe: Okay. Yeah, that -- that -- that's fair, that's
12 great, but I -- I truly do think that's where we're
13 not seeing eye-to-eye, is your -- your constitutional
14 rights don't appear to be violated to me because you
15 went through this -- this court process that didn't
16 come out in your favor.

17 Bereki: Well, okay, so --

18 Joe: And (inaudible - 00:41:42), you know, it -- it sounds
19 unfair. It -- it sounds unfortunate, but it's -- it's
20 -- you played the system by the -- you played the
21 system by the rules, the system didn't -- didn't rule
22 in your favor. You need to go after the system, which
23 I think you made a mistake, but I don't -- I don't see
24 the crime.

25 Bereki: O- -- okay, so let's -- let's take a couple of pieces



1 --

2 Joe: And I've gotta -- I've gotta warn you, Mr. Bereki,
3 I've got an appointment in 10 minutes.

4 Bereki: Okay.

5 Joe: But I don't wanna -- I don't wanna seem like I'm
6 cuttin' you off.

7 Bereki: Okay, do you wanna go 10 minutes, or do you wanna, uh,
8 resume this tomorrow?

9 Joe: I'm g- -- I'm not gonna be in the office tomorrow,
10 Adam.

11 Bereki: Okay. How --

12 Joe: And -- and we're -- here's what we're doing right now.
13 We're -- we're discussing this round and round and
14 round, and you're -- you're trying your hardest. You
15 -- you've enlightened me and convinced me to see
16 things your way. And I can see -- I can put myself in
17 your shoes, and -- and see through the case law that
18 you're showing me that something's not right.
19 However, like I said, I don't have the Humphreys side
20 of the story. I don't know enough about -- about
21 these criminal proceedings on top of civil cases. I'm
22 not your best resource for this, unfortunately. And -
23 - and like goin' back further, uh -- uh, the Newport
24 Beach Police Department isn't your best resource for
25 this.



1 Bereki: Well --

2 Joe: But I -- I'm -- I'm trying to come up with ways with
3 you to figure out how to help.

4 Bereki: I agree with that. So -- well, part of it. I -- I
5 don't think that we're going round and round. I -- I
6 feel that this is something that's very new to you,
7 and that's understandable that we're -- we're having
8 to work through some -- some -- the education of some
9 new things. We're getting familiar with some new
10 things. And I do appreciate that you're taking the
11 time to do that. Um, so I don't feel like we're going
12 round and round. Um, I -- yes, I understand that you
13 think that this was just a civil case that didn't go
14 my way, in my favor. And there's a big difference
15 between being unhappy with the judgment -- it -- it's
16 like -- it's like a case of he said-she said. Someone
17 can be unhappy --

18 Joe: (Inaudible - 00:44:04).

19 Bereki: Okay, someone can be unhappy with a -- with a police
20 officer's determination in a he said-she said
21 situation. But there's a very big difference if the
22 officer comes out and beats the person, in violation
23 of their constitutional rights. It's not -- the
24 person --

25 Joe: Yes, that's obviously pretty clearcut.



1 Bereki: Okay, that's what I'm saying here. And what I'm
2 saying might --

3 Joe: It's not clearcut, because you've had to cite numerous
4 instances of case law.

5 Bereki: Well, that's what --

6 Joe: (Inaudible - 00:44:33).

7 Bereki: Darrin, that's -- that's what courts use as authority.
8 I had to tell you the constitutional -- I have to give
9 you the, uh, the provisions of the Constitution,
10 right? Article 1, Section 17, Article 1, Section 6,
11 the Eighth Amendment, Article 1, Section 9. I had to
12 give you those to show you what the law is on this
13 situation.

14 Joe: Right, but that's where you and I are in disagreement
15 as -- as to the definition of clearcut. Nobody is
16 seeing -- everybody can see the cops on the Foothill
17 Freeway, thumpin' on Rodney King, and say, well, ooh,
18 well that- -- that's bad.

19 Bereki: Okay.

20 Joe: And -- and not every person can -- even with the
21 assistance of 10 different case -- different case law,
22 can see things your way on this one.

23 Bereki: Well -- well, okay.

24 Joe: So that's -- that's where I draw the line on clearcut.
25 (Inaudible - 00:45:22).



1 Bereki: Okay, so -- so -- so --
2 Joe: (Inaudible - 00:45:24) --
3 Bereki: -- let -- let me address that. Let me address that
4 really quick. Let's say, you know, a police officer
5 obviously doesn't have authority to beat somebody un-
6 -- unjustifiably. You have the -- the right to use
7 justifiable force, but not excessively.
8 Joe: Mm-hmm.
9 Bereki: Okay?
10 Joe: Mm-hmm.
11 Bereki: So let's say that in -- in the judge world of -- of
12 excessive force, the judge is authorized to order a
13 fine up to a certain amount. Let's say that that fine
14 is \$5,000.
15 Joe: Mm-hmm.
16 Bereki: But the judge says, "Fuck that. I don't like this
17 guy. He's gettin' a million-dollar fine." That's --
18 Joe: Mm-hmm.
19 Bereki: -- comparable to excessive force in law enforcement.
20 It's the same thing. And that's why there's an
21 excessive fines clause that says, "Look, Judge, if
22 you're gonna give someone a fine" --
23 Joe: Mm-hmm.
24 Bereki: -- "then these are the criteria you have to follow."
25 That's it. That's as simple as it is.



1 Joe: But there's no -- there's no remedy within the court
2 system to address that issue?

3 Bereki: Okay, I --

4 Joe: I -- I find that hard to believe.

5 Bereki: Darrin, I will gladly show you that I have been to,
6 uh, the Court of Appeal in Santa Ana, to the
7 California Supreme Court, and to the Federal Dis- --
8 United States District Court, Central District of
9 California in Santa Ana, and the Ninth Circuit Court
10 of Appeals. There's nowhere else to go.

11 Joe: So, five different courts of appeal have given you the
12 same answer --

13 Bereki: No.

14 Joe: -- and you're still dissatisfied with that.

15 Bereki: No, that's not true. That's not true. See, they have
16 not given me the same answer. One court gave me that
17 answer, and the other court said, "We cannot do
18 anything about this." Okay, there's State Court and
19 there's Federal Court. I went to the Court of Appeal
20 after the Superior Trial Court, and they said that the
21 Su- -- the Trial Court -- what the Superior Court did
22 was right.

23 Joe: Okay.

24 Bereki: So then I went to the California Supreme Court, and
25 they do not have to take your case.



1 Joe: Right.

2 Bereki: So they said, "We don't wanna take the case." All
3 right.

4 Joe: Mm-hmm.

5 Bereki: So then I went to Federal Court, and I said, "Federal
6 Court, my federal rights are being violated." And
7 they said, "We do not have authority to, uh, overturn
8 a judgment of, uh -- a valid judgment of a California
9 court."

10 Joe: Okay.

11 Bereki: And that's -- that's it. So -- and that, in itself,
12 is another constitutional rights violation. But I
13 just want to make it clear to you that I have not gone
14 to five different courts and they all said the same
15 thing. I went to trial, and the judge made an
16 egregious error, and the Appellate Court made the same
17 error, um, so there's a big difference there. Um --

18 Joe: And then the next level wouldn't even take the case
19 because it didn't -- it -- it didn't have the merits
20 or --

21 Bereki: No, that's not true.

22 Joe: -- to overturn it.

23 Bereki: They did not -- they did not rule on the merits. They
24 didn't even examine the merits. They make a
25 discretionary determination whether they wanna take



1 the case or not. They do not rule on the merits. So
2 my case never -- it -- you present the case to them,
3 but they don't make any ruling on it. So that --
4 there's a big difference between a case -- a court
5 actually adjudi- -- adjudicating something. It would
6 be like this --

7 Joe: But it (inaudible - 00:48:49).

8 Bereki: -- a cop goes out to --

9 Joe: Answer me this. If -- if they saw something wrong,
10 don't you think they would ha- -- they would address
11 it?

12 Bereki: Well --

13 Joe: In the -- the California Supreme Court?

14 Bereki: Yes and no. If it is --

15 Joe: (Inaudible - 00:49:07).

16 Bereki: -- if -- if not, it's because they have a hundred
17 years of fining and abusing people. I mean, h- -- I -
18 - I can't even tell you how many millions of dollars
19 have been awarded under this statute. I mean, it's --
20 it's insane. And, to make an admission like that,
21 almost every single judge would immediately be sued.
22 The State of California would be sued. The -- it --
23 it -- it's enormous.

24 Joe: I've gotta be honest, Adam, it -- it sounds a little -
25 - a little conspiracy theorizing when --



1 Bereki: That's fine, Darrin. But here's the thing. I
2 understand theoretically yes, it could sound that way.
3 But you said, you know -- it's like you said to me,
4 "Oh, you're having to prove your case with case law."
5 That's what -- that's what courts use to prove their
6 authority. Just like in law enforcement, right? I'm
7 sure in briefing, you guys get told about new cases
8 that come down from the Supreme Court or from a higher
9 California court, and the court says, "Look" --
10 Joe: Mm-hmm.
11 Bereki: -- "when you're doin' a search and seizure, you can't
12 do this anymore, okay?" That's case law. That's what
13 the courts have said that's the law. So that's why
14 I'm --
15 Joe: You're trying to make it -- you're trying -- you're
16 having to use case law to prove your case to me.
17 Bereki: Yeah, that's the point, Darrin.
18 Joe: But I'm not a court. So I'm not -- I don't use it all
19 the time.
20 Bereki: But Darrin, l- -- let's say -- let's say this. Let's
21 say this.
22 Joe: (Inaudible - 00:50:33).
23 Bereki: Let's say that I -- I -- I made a complaint against an
24 officer, and you're saying to me, "Adam, that's not a
25 crime. That's not a crime." And I said, "Darrin,



1 look at the case law right here. The courts have said
2 that an officer cannot do this type of search based
3 upon these circumstances." And you're saying, "Whoa,
4 whoa, you can't use case law to justify to me that the
5 officer did something wrong." And I'm saying, "Yes I
6 can. This is what the court is saying the law is."
7 And -- and it's -- it's -- frankly, you know, I'm a
8 little bit taken aback that I sent you that -- those
9 rulings by the court to tell you exactly what the
10 courts have said the law is on the situation that I'm
11 saying. They're in my favor.

12 Joe: But that's my point. It's out there, and they're
13 still not agreeing with you, so (inaudible - 00:51:16)
14 --

15 Bereki: No, no, Darrin, Darrin --

16 Joe: -- missing something.

17 Bereki: Darrin, read the cases. They're agreeing with me.

18 Joe: Then why isn't -- why are you not successful in these
19 arguments with the courts?

20 Bereki: I don't know.

21 Joe: That's -- and so that's not for me to decide is my
22 point, Adam.

23 Bereki: It's -- it's -- it's not for you to decide. But if
24 I'm not given --

25 Joe: (Inaudible - 00:51:37).



1 Bereki: If I'm not getting a remedy from the courts or the
2 legislature, and my rights are being violated, and my
3 property is being taken from me without lawful
4 authority, you are the third branch of government that
5 I have to go to protect my rights and property.
6 That's as simple as it is. I don't know why they're
7 not doing what they're doing. But I can prove to you
8 that they're not doing it right, that it's
9 unconstitutional, and possibly even criminal. And any
10 one of those, you have a duty to investigate what I'm
11 saying. It's -- it's easy.

12 Joe: It's not easy, because we've been talking for an hour,
13 that's how not easy this is, okay? So, I gotta go.

14 Bereki: Okay.

15 Joe: I'll -- I'll sit on this and stew on it for the
16 weekend. I -- I'm -- I'll be a hundred percent honest
17 with you, this is -- I really am strugglin' with
18 finding a way to help you out. And I've given you
19 several suggestions on -- on how to -- how to get
20 better help (inaudible - 00:52:41).

21 Bereki: Darrin, there is no help. You have not -- you have
22 not suggested to me any place to go to get help. Not
23 one.

24 Joe: Yes I have, and you've shot me down.

25 Bereki: W- -- what -- what were those?



1 Joe: And said that you've already done it or it's not
2 working.

3 Bereki: O- -- okay, so that- -- that's not shooting you down.
4 I -- I -- I actually did what you asked me to do.

5 Joe: (Inaudible - 00:52:59), because you've already done
6 it. So --

7 Bereki: Y- -- yeah.

8 Joe: -- if -- if -- if I'm -- if I'm where the buck stops,
9 I'm your last hope, and I can't help you, then that's
10 where we are. But --

11 Bereki: Okay, so -- so before you go --

12 Joe: (Inaudible - 00:53:10) --

13 Bereki: -- before you go, what I ask is that you actually
14 review the documents that I sent you, the case law,
15 and you actually go to the Constitution and read what
16 the Constitution says, and also --

17 Joe: This just brings us back to the point of where do I --
18 where -- if you were able to give me a clear crime, a
19 legitimate crime in California, this would be a no-
20 brainer. But we're -- we're arguing over whether or
21 not your rights have been violated, and whether or not
22 --

23 Bereki: Darrin, you're -- you're -- okay --

24 Joe: -- (inaudible - 00:53:42).

25 Bereki: -- so -- so go on -- I -- maybe go this. What if you



1 were to go to some of your, uh, um, partners at work
2 there, and ask them if a police officer has a duty to
3 protect the constitutional rights of the citizens of
4 California.

5 Joe: We do, if their rights are being violated.

6 Bereki: Okay.

7 Joe: But I'm still -- I'm still at the point where I'm not
8 sure your rights have been violated.

9 Bereki: Okay. And part of that is because you didn't read the
10 materials that I sent you that the courts are saying
11 the same thing that I'm saying. So if you read them,
12 they will support what I'm saying, and show you that
13 the -- that this is a violation of rights.

14 Joe: Okay. Adam, if I can carve out additional hours for
15 you to go through the material that you sent me, then
16 I will call you back and let you know if I'm in
17 agreement with your or not. But yeah, honestly, I did
18 not get around to reading these cases because they're
19 upwards of a hundred pages.

20 Bereki: Mm, I -- I don't remember them being that. But, okay.

21 Joe: So, I gotta go. Um, if anything comes up, you have my
22 number, feel free to reach out. Otherwise, I -- I
23 will contact you if I can come up with something,
24 okay?

25 Bereki: So -- so what you're saying to me is, unless I hear



1 from you, you -- you are not going to do anything.
2 But you are going to -- if you feel like it, maybe
3 look at what I sent you. Is that correct? I just
4 wanna -- I don't wanna put words into your mouth. I
5 wanna be clear about what you're saying.

6 Joe: Well, you are putting words into my mouth, because
7 you're saying, "If I feel like it." I said, "If I
8 can."

9 Bereki: Okay.

10 Joe: So, yeah. And at -- at the very least, like I -- like
11 I told you, I can have you -- or you can write
12 something out for me that I can attach to a Incident
13 Number that gets sent to the -- the State DOJ. But
14 like that's another thing that's on my list of things
15 to do, is find out more about investigating
16 constitutional rights violations.

17 Bereki: Well --

18 Joe: So that's the very least I can do.

19 Bereki: Ch- -- check out that learning domain that I sent you.
20 It's the book from the basic police academy. It says
21 it right in there.

22 Joe: Yeah, it -- it doesn't say how to do it. I actually
23 did look at that feed, and, number one, the thing that
24 jumped out to me was the, uh, constitutional rights
25 violation in progress, which that's a no-brainer. I



1 was gonna say that this happened back in 2017, but
2 you're saying that your rights are continually
3 violated because you have this judgment hangin' over
4 your head.

5 Bereki: Well, it's not just over my head, I'm being forced
6 into bankruptcy and potentially foreclosure.

7 Joe: Right. And I would argue that that's not the same as
8 it being in progress.

9 Bereki: I don't know what else it could be.

10 Joe: Yes, well, it's not that. So --

11 Bereki: Well, double check.

12 Joe: Adam, like I said, I've about five minutes out -- out
13 of appointment now. Um, I didn't wanna be rude, but
14 I've gotta go.

15 Bereki: Okay, that's fine. So, I guess I'll wait to hear from
16 you. Is that where we're at now?

17 Joe: Yes. And like I said, you can reach out to me should
18 any new development come out. I know you're gonna be
19 thinkin' about it in the meantime. If you come up
20 with the -- the smoking gun that -- that sheds the
21 most light on this for me, please reach back out to
22 me.

23 Bereki: Okay. So -- so I'm gonna -- if I come up with
24 something, I'm supposed to contact you, but if I don't
25 have anything else, I'm not supposed to contact you,



1 I'm supposed to wait to hear from you, is that
2 correct?

3 Joe: Yeah, or if you -- if you wanna talk about this more,
4 reach out to me. I'm -- I'm here for you still.

5 Bereki: I -- I do. I -- so -- so feel free to call --

6 Joe: But I just can't -- I can't -- yes, feel free to call,
7 is what I'm tryin' to say. I just -- I gotta go now.

8 Bereki: O- -- okay. Okay, great. Thank you for your time,
9 Darrin. I'll call you next week.

10 Joe: (Inaudible - 00:57:34), man.

11 Bereki: Okay.

12 Joe: Okay. Bye.

13 Bereki: Bye-bye.

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