

Bereki Complaint to Officer Mejia

Recording Name:

[E28 CHP- COMPLAINT TO CHP OFFCR MEJIA 032322]

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1 Bereki: Where do you feel like starting?

2 Mejia: Uh, you tell me. I -- I got the real basics. I -- I

3 even made a binder for it.

4 Bereki: Dude, you are -- you are incredible.

5 Mejia: So, I separated --

6 Bereki: Wow.

7 Mejia: -- I have your -- I -- I think I got everything. So I

8 have -- this is your appeal with the Fourth?

9 Bereki: Right, right.

10 Mejia: Uh, this was the Petition for Review.

11 Bereki: Okay.

12 Mejia: Uh, these are the ones you wrote.

13 Bereki: Right.

14 Mejia: I got the appeal.

15 Bereki: Right.

16 Mejia: I all of these. And then --

17 Bereki: Okay.

18 Mejia: -- I think it's two of the same, because one of them

19 was actually with the -- the envelope, everything, all

20 the --

21 Bereki: Okay.

22 Mejia: -- all the like processing evidence.

23 Bereki: Okay.

24 Mejia: I got your complaint about the, um, Commissioner Judge

25 Referee.



1 Berekhi: Okay.

2 Mejia: This was last y- -- or two years ago, right?

3 Berekhi: Yeah.

4 Mejia: June? Um, letters to the Attorney General.

5 Berekhi: Okay.

6 Mejia: I think this is the one that the original one and

7 copy.

8 Berekhi: Okay.

9 Mejia: So, yeah, there's two about the same, um.

10 Berekhi: Okay.

11 Mejia: And then, the cases you cited.

12 Berekhi: Okay.

13 Mejia: And then essentially, your fuck off letter from the

14 Attorney General.

15 Berekhi: Yeah, yeah.

16 Mejia: So --

17 Berekhi: Okay.

18 Mejia: -- is there anything I'm missing, or anything --

19 Berekhi: There's a lot.

20 Mejia: Okay.

21 Berekhi: But I wanna show you a couple of things. First of

22 all, like, um --

23 Mejia: Let me turn on my hot spot here so I'll have this.

24 Berekhi: So if you go to the website thespiritoflaw.com --

25 Mejia: Okay.



1 Bereki: -- a lot of this stuff is on there. And then you can
2 go to procedural history.

3 Mejia: Mm-hmm.

4 Bereki: And you'll see trial court, judge orders, the f- --
5 documents that were filed on appeal. And all you have
6 to do to see any of them is obviously just click on
7 the document, and it's gonna download it and show you
8 exactly what it is.

9 Mejia: Okay.

10 Bereki: So all that's there. That's just a reference in case
11 we don't have pages, and stuff like that.

12 Mejia: Mm-hmm.

13 Bereki: So, the first thing I thought of was to go over the
14 statute that they used against me.

15 Mejia: Okay.

16 Bereki: So, um, that's 7031(b), subsection B, of the Business
17 and Professions Code. Um, so that one basically says
18 if you use the services on an unlicensed contractor,
19 you can bring an action to recover all the
20 compensation that you paid to them. So the way I
21 could explain this is like let's say you want me --
22 you wanna hire me to do a remodel project at your
23 house. Let's say it's a million bucks, round -- round
24 number.

25 Mejia: Okay.



1 Bereki: Um, I come, I do the work, and you -- you and I have a
2 disagreement. Let's just say maybe I didn't do the
3 drywall right, or something like that.

4 Mejia: Right.

5 Bereki: So we have a legitimate civil dispute. What this
6 allows you to do it is go into court and bring a civil
7 action and say, "He wasn't licensed, so I get all my
8 money back."

9 Mejia: Mm-hmm.

10 Bereki: Okay? Now, my argument in court was, well wait a
11 minute, I gave them all their money back already
12 because they hired me to do the remodel work, and I
13 did it. So I spent 750,000, just a round number, on
14 materials, and I hired 250,000 worth of labor, and
15 it's sitting there in their house, so I gave it to
16 them already. But now, you want -- the court ordered
17 me to give back another million dollars. So my
18 argument's very simple, that's a fine, right? Because
19 I already gave them their money back, so I must be
20 being punished for something.

21 Mejia: And just so I understand, when you say you gave them
22 their money back, you're talkin' about in the work
23 that you did for them.

24 Bereki: Exactly, yes. That- --

25 Mejia: My understanding from reading this stuff, uh, I don't



1 think we ever got the -- I don't know that I got the
2 original. This is the appeal. Um, you completed the
3 work.

4 Bereki: No.

5 Mejia: No?

6 Bereki: We, um -- so the job was basically to remodel a --

7 Mejia: This is -- uh, it's split into two?

8 Bereki: Yeah. So it was -- imagine a -- a -- a -- it looks
9 like a house, but it's a condominium building. So
10 there were two units upstairs, one unit downstairs.
11 My clients owned the two upstairs unit, and somebody
12 else owned the bottom downstairs unit. So what my
13 clients wanted to do was take out the dividing wall
14 between the two units.

15 Mejia: Mm-hmm.

16 Bereki: Delete a kitchen, make a bigger patio, and then have
17 this big four-bedroom unit.

18 Mejia: Okay.

19 Bereki: Um, so when I got into that project, I discovered that
20 the people down below had done an unpermitted remodel,
21 And they started taking out structural elements of the
22 building, and there were serious safety issues. So
23 the project like blew up in size and scope and time,
24 and they got upset that it was costing so much, and
25 the time delays were going. So that's ultimately what



1 ended up with them, um, firing my company. Um, and
2 they didn't pay their last, um, about 80,000. So, my
3 company is who, uh, sued them in court for the 80,000.

4 Mejia: Uh, Spartan Associates.

5 Bereki: Yeah, exactly, exactly. Um, so that -- that's
6 basically where -- what happened.

7 Mejia: Mm. So essentially you're saying, the price went up
8 for your -- your clients based on the work that was
9 done on the bottom unit --

10 Bereki: Well --

11 Mejia: -- that compromised the -- the structural integrity?

12 Bereki: Yeah, the whole -- the whole scope of the project
13 changed from the initial agreement. And so, you know,
14 I would call and email them, and say, "Hey, look,
15 there's a problem we ran into."

16 Mejia: Oh, because you weren't --

17 Bereki: I mean, it's a 60-year-old building.

18 Mejia: You didn't expect what was going on?

19 Bereki: Exactly. It's all covered up, you know.

20 Mejia: Mm-hmm.

21 Bereki: So it looks like it's fine. But then you take the
22 drywall off, and the whole wall's rotting out. Um,
23 and that was kind of the prob- -- problems that I was
24 up against because these people, they covered up.
25 Like so imagine like you had a leak in the ceiling and



1 it rotted out the whole wall. They just put a new
2 piece of drywall over it, and it looked like it was a
3 brand new model home. But when you tear the drywall
4 off, you see that the whole structure above is about
5 ready to come down on the bottom. So, yeah, I had a
6 lot of work to do down below, and the size and scope
7 of the project just went out of control, and so they
8 were upset. That's why they got upset with me. They
9 didn't wanna pay. Um, so --

10 Mejia: And you said it was about 80,000, about?

11 Bereki: Yeah, about 80,000.

12 Mejia: That was left for them to pay that they didn't?

13 Bereki: Correct, correct. Um, now I wanna back up just one
14 little deal, because I -- when all of this, um, began,
15 I -- I got a contractor's license in I believe it was
16 2007.

17 Mejia: Okay.

18 Bereki: So how that works is you go down, a human being goes
19 down, and you take the exam, right, to make sure that
20 you're qualified and you know the material. So I
21 became what they call the qualifying individual of the
22 license. It's like on a driver's license, the person
23 who takes the test would be the qualifying individual,
24 okay? So, that license and me -- the license was in
25 the name of Spartan, but I was the qualifying



1 individual. So we're inseparable.

2 Mejia: You're essentially an agent of Spartan.

3 Bereki: Exactly. Yeah, I own Spartan, and I'm the qualifying
4 individual for Spartan's license, so technically I'm
5 licensed. I'm the one that has the experience and the
6 --

7 Mejia: Mm-hmm.

8 Bereki: -- the training, and I took the test.

9 Mejia: Essentially, if I understand it correctly, just to put
10 it in terms I understand, it's kinda like a trust.

11 Bereki: Mm-hmm.

12 Mejia: The trust owns the house. You live in the house. You
13 pay for the house. Kind of?

14 Bereki: Um, I wouldn't -- I wouldn't do the trust thing. Um,
15 it's -- it's basically like, a -- a corporation can't
16 do anything.

17 Mejia: Mm-hmm.

18 Bereki: It's an inanimate object, right? It's a -- it's a
19 creation of the mind.

20 Mejia: Mm-hmm.

21 Bereki: So there has to be a human being who comes in and
22 gives it life. So that's why a corporation can't take
23 a contractor's exam, only a human being can. So, in
24 that way, you could say, yes, it's a trust, that I'm
25 being entrusted as the qualifying individual to manage



1 the corporation. So that's kind of -- yes, in a way -
2 -

3 Mejia: Okay.

4 Bereki: -- that's kind of how it works. You could look at it
5 that way.

6 Mejia: This is just for my own cur- -- curiosity. You're the
7 one that took the exam, the license was given to your
8 company, Spartan and Associates?

9 Bereki: It is -- yes, yes.

10 Mejia: Could anyone else that was working at the time operate
11 under that license?

12 Bereki: They can't -- if I hire them as an employee, yes.

13 Mejia: Okay.

14 Bereki: Yes. If they were an employee, they could come under
15 that umbrella. If they're an independent contractor,
16 they have to have their own license to do their own --
17 whatever it is, whatever trade they're doing. But if
18 they're my employee, yes, they can work under that.

19 Mejia: Okay, how -- can you describe it to me once again how
20 the -- the way you worded the -- the license?

21 Bereki: Okay, so, um, I -- I took the test and became the
22 qualifying individual, and the responsible managing
23 officer in 2007.

24 Mejia: When you took the test, the contractor's test, you
25 became the managing --



1 Berekhi: Qu- -- qualifying --
2 Mejia: -- qualifying --
3 Berekhi: -- qualifying individual.
4 Mejia: Qualifying individual and?
5 Berekhi: Responsible managing officer.
6 Mejia: Okay, but the license was technically under the name
7 Spartan and Associates?
8 Berekhi: Yes. That's a -- that's a nuance that they used to
9 say, "You're not licensed." But that's where we're
10 ultimately going with this.
11 Mejia: Okay.
12 Berekhi: Um, so I wasn't going to share this part, 'cause I
13 don't wanna overwhelm you with details, but it's kind
14 of important.
15 Mejia: Believe me, I've already, uh, been reaching out to
16 other people.
17 Berekhi: Okay.
18 Mejia: And tryin' to --
19 Berekhi: So --
20 Mejia: -- I guess, find a way to go about this kinda stuff,
21 so.
22 Berekhi: What I'm doing is I'm going to the Clerk's transcript.
23 It's gonna take a little bit to download.
24 Mejia: Yeah, that's fine.
25 Berekhi: But what I'm gonna share with you here is, in the



1 beginning of the case they went to the court, and they
2 said, "Look judge, um, we contracted with Adam's
3 company. All of that was there. But because he
4 didn't do certain things under the Business and
5 Professions Code, he's not entitled to his 80 grand.
6 So that -- they tried to get the whole case that my
7 company brought against them thrown out, first by
8 saying, yeah, undisputed facts are that we contracted
9 with Adam and all this happened. But, because he
10 didn't do certain things and he broke the Business and
11 Professions Code law, he doesn't get to get paid. And
12 so the judge said, that's not right. You haven't
13 proven that at all, the case goes forward. So I just
14 wanna show you something. And I can get you all this
15 later. This is their Notice for Summary Judgment,
16 meaning we want the whole thing to be thrown out, and
17 I want to show you something. "This motion is made on
18 the grounds that the undis- -- disputed facts
19 establish each element necessary for them to prevail
20 on their cause of action. The material facts which
21 are undisputed are, in April of 2012, the Spartan
22 Associates was doing business as a licensed building
23 contractor. In April of 2012, Karen and Gary
24 Humphreys owned the unit." Blah, blah, blah. Um, "In
25 April of 2012, the Spartan Associates entered into an



1 agreement with the Humphreys for the performance of
2 home improvement work on the Humphreys' condominium
3 unit." Okay, now, what happens two years later is
4 they go -- we go to court and we have a trial, and
5 they tell the judge, "We never contracted with the
6 Spartan Associates, we contracted with him," me. So
7 you see the lie already starting to happen. Okay,
8 because if -- if the- -- if my company did the work,
9 and my company's licensed, this whole action has no
10 validity, right? 'Cause there was a licensed
11 contractor doing their job. But now, they changed
12 their statement, because they don't win here. They go
13 and tell the judge, oh, we didn't contract with this
14 company, we contracted with him, and he's not
15 licensed. But I would argue that I am licensed
16 obviously, because I took -- I took the exam and I had
17 the qualifications, and all that.

18 Mejia: Okay.

19 Bereki: So this is kind of just back story. Right now, could
20 you say that this is something that could get into an
21 element of criminality that's coming? Maybe. This
22 might show a little bit of their intent. But there's
23 nothing, so to speak, wrong here yet. This is just
24 back story, okay? So, um, this penal c- -- or this,
25 um, uh, Business and Professions Code, um, you have to



1 give back all the compensation paid. So if you
2 already gave it back to them and they order another
3 million dollars on top of that, that's punitive. Do
4 you -- do you follow me? Okay. So, this section also
5 requires the court to determine that you're
6 unlicensed, okay? There's another section right
7 before this one, 7028, right, of the Business and
8 Professions Code, and it makes it a misdemeanor for
9 anyone who does -- who does unlicensed contracting,
10 okay? And the first offense is a maximum fine -- a
11 fine not exceeding \$5,000. Okay? So, in order to
12 find this, they have to find that you're an unlicensed
13 contractor, and so that's a misdemeanor. And then,
14 um, the maximum fine that they can impose under the
15 penal is --

16 Mejia: Five grand?

17 Bereki: -- five grand, all right? So, now I wanna show you
18 Penal Code 15. "A crime or public offense is an act
19 committed or omitted in violation of a law forbidding
20 a -- forbidding or commanding it, and to which is
21 annexed upon conviction either of the following
22 punishments, death, imprisonment, fine," blah, blah,
23 blah. So essentially what they're saying in this is
24 if you commit the public offense of contract without a
25 license, you have to be -- you are gonna get fined.



1 Mejia: Fined.

2 Bereki: Right? Okay.

3 Mejia: A maximum of \$5,000.

4 Bereki: Right, but you see the difference. The -- the main
5 thing that I'm getting at here is this is a criminal
6 case.

7 Mejia: Uh-huh.

8 Bereki: You get a lawyer, the DA prosecutes the case all of
9 that, just like what you do.

10 Mejia: Yours wasn't criminal though.

11 Bereki: This is a civil case.

12 Mejia: Correct.

13 Bereki: Now, what they're doing by committing fraud, is
14 they're hiding the fact that this is a criminal
15 proceeding and calling it a civil proceeding. Do you
16 get where I'm going?

17 Mejia: Uh-huh.

18 Bereki: Okay, so I'm gonna show you how that goes on more and
19 more. But that's the -- that's where we're going with
20 it, all right? So Penal Code 15 goes up in here.
21 Okay, so after they get this judgment against me --
22 now the judgment was technically 930,000, and I'll
23 show -- share with you why. But after they got that
24 judgment against me -- I can actually show it to you
25 because you said you haven't seen it yet. So here's



1 the -- this is the -- the Minute Order that was made
2 by the judge of the Superior Court. So it goes on for
3 a couple of pages, and I'll show you that in a minute.
4 Here's the actual judgment. And if you turn it over,
5 it shows damages of \$848,000. We're gonna come back
6 to this, but I just wanted to kind of put this out
7 there. So what happens in the licensing laws is if
8 you get a judgment against you, you have to, under the
9 Business and Professions Code, you have to notify the
10 Registrar of Contractors, and you have to tell them,
11 "Hey, I got a judgment against you -- against me." So
12 they give you -- essentially if I've read this -- I
13 just re- -- refreshed my memory this morning. You
14 have 90 days to pay the judgment, or if you don't --
15 or to get a bond, basically, um, in the amount of the
16 judgment. If they don't, they suspend your license.
17 So now what has happened is on top of the judgment
18 that they -- that has also attached to the, um, the
19 real property held in my living trust, where I live,
20 my home, um, they've suspended my license indefinitely
21 until I pay this judgment, which means I can't earn a
22 living.

23 Mejia: Correct.

24 Bereki: Gone. Okay? So, um, that's another aspect of -- that
25 in and of itself is punishment. It's treated just



1 like -- it's under any kind of punishment under the
2 Constitution. Right? So in order for this to happen,
3 I have to have a hearing. Do you know how many
4 hearings I got?

5 Mejia: You talkin' about the -- the appeals, or actually you
6 got?

7 Bereki: No, no. This -- this issue -- this is a separate
8 issue. So we have the issue of what happened at
9 trial, right? The judgment.

10 Mejia: Oh, no hearings.

11 Bereki: W- -- well now -- yeah, exactly. They never gave me -
12 -

13 Mejia: Yeah.

14 Bereki: So the license just gets suspended, no hearing. So
15 that deprives you of due process of law under the
16 Constitution.

17 Mejia: Correct.

18 Bereki: Okay, so this is where I'm -- this is the whole nature
19 of this whole thing, violating due process under the
20 federal Constitution is a crime, 18 USC 241 and 242,
21 if you don't know those ones.

22 Mejia: I don't, but I --

23 Bereki: Okay, so --

24 Mejia: -- I understand that due process is a thing.

25 Bereki: Yeah, yeah, yeah. So, um, next, kind of what I wanted



1 to do is to share with you like how a court gets its
2 power. 'Cause that is kind of -- that's kind of
3 mystical, right? So let's say that someone calls the
4 CHP and they say, um, I wanna make a report of, um --
5 I don't know, vehicular manslaughter, right? You get
6 out to the crime scene and someone tells you that, um,
7 they stabbed their stuffed animal, or that -- that the
8 car ran over the stuffed animal. And so you go, well,
9 I can't do anything about this, a stuffed animal is
10 not a person that's covered by the law. It's not a
11 living entity. There's been no crime committed. I --
12 I don't have jurisdiction to do anything with this
13 because there's not been a crime committed, okay? The
14 court works the same way. But -- but let me back up
15 just a minute. If you were to take action on the
16 driver of that car that ran over the bear, like if you
17 arrested him, would you agree that you'd be acting
18 without lawful authority?

19 Mejia: Correct.

20 Bereki: Okay. The same thing happens in court. In order for
21 the court to be empowered, someone has to bring a case
22 to the court that the court -- that's a violation of
23 law that the court has the power to act upon. If the
24 court doesn't have the power under the Constitution or
25 a statute or the common law to act upon it, they have



1 to dismissed, just like you would. You say, "Look, I
2 can't do anything about this. I don't have any power
3 to do it."

4 Mejia: Yep.

5 Bereki: Also within the judge's power is all of the provisions
6 of the Constitution, and they have to follow them by
7 the letter. 'Cause if they don't, they'll be acting
8 arbitrarily, right? Just like if you went off on your
9 own and you said, "Today I'm gonna declare that, um,
10 wearing pink shirts is against the law," and you
11 started arresting people for wearing pink shirts,
12 you're acting without authority. All right, same --
13 same thing. It's exactly the same. So under the
14 Constitution, California, there's a, um, it's Article
15 1, Section 26, "The provisions of the Constitution are
16 mandatory and prohibitory," which meaning that the
17 judge doesn't have discretion to choose whether they
18 wanna follow the Constitution or not, any more than
19 you did, or you do, or I do. You have to follow it.

20 Mejia: Okay.

21 Bereki: So now, are you -- do you see how because I already
22 gave 'em the money back, this is a crime? Do you see
23 that?

24 Mejia: Correct, yes.

25 Bereki: Okay. So now, because they're gonna fine me, they



1 have to go to, um -- there's a provision in the
2 Constitution, both the state and national, and it
3 says, um -- it's the Excessive Fines Clause, Article
4 1, Section 17. "Cruel or unusual punishment may not
5 be inflicted or excessive fines imposed." Okay. So
6 with that, we then have to find out what an excessive
7 fine is. So how you find that out is you go to court
8 cases. I think you may have this one already.

9 Mejia: I think I do.

10 Bereki: People v Cowan (ph). But the bottom line of it is, um
11 -- so just as kind of a little bit of -- to share.
12 Like when you see in a writing, a legal writing, these
13 numbers, they're telling you the name of the case, and
14 -- and it's like the address of it.

15 Mejia: The signature.

16 Bereki: Right. Um, and when -- so it begins on Page 32. So
17 if you scroll over here to where the, um -- see, this
18 is where the opinion starts.

19 Mejia: Mm-hmm.

20 Bereki: And you'll see that after this, they start doing these
21 numbers. These are page numbers. So this is how,
22 like when you see case citation, and you see this
23 number go to 37, you know to go to Page 37. Does that
24 make sense?

25 Mejia: Mm-hmm.



1 Bereki: So that's just explaining a little bit about what it
2 tells us. But this first, these things here, these --
3 they're called head notes. These are like the
4 holdings that the cour- -- the decisions that the
5 court made in the case that are relevant. So here
6 they say, "Excessive Fines Clause guards against
7 excessive government, punitive or criminal law
8 enforcement authority, and applies to civil or cr- --
9 criminal penalties or liabilities." So even if this
10 was a civil case, right?

11 Mejia: Mm-hmm.

12 Bereki: They still had to go through the protections of the
13 Excessive Fines Clause. So those are -- those are --
14 they lay out what those are. And they say, "The
15 touchstone inquiry is the principle of
16 proportionality. The following four considerations
17 bear on proportional- -- proportionality, the
18 defendant's culpability, the relationship between the
19 harm and the penalty, the penalties imposed in similar
20 statutes, and the defendant's ability to pay." How
21 many of those did the judge in my case do? None.
22 Okay, so now he's deprived of all authority to render
23 any kind of punishment against me whatsoever. Because
24 even, let's just say that they could bring this case
25 in a civil context against me, and they could get a



1 fine, the court could impose a fine. The court now
2 has to go through all of these protections. They have
3 to say -- they have to -- they have to go through and
4 reason, okay, here's what he did. Here's his ability
5 to pay. They have to look at my financial status.
6 They have to do all of that in order to say, "Here's
7 the fine, and it's not excessive." They did not none
8 of this. Okay. If -- I don't know if you read this
9 case, but if -- if, um --

10 Mejia: I've -- I've read all of your stuff last week.

11 Bereki: Wow.

12 Mejia: Had -- had stuff, I have notes at home on my computer.

13 Bereki: Okay.

14 Mejia: Honestly it's -- it's -- it's a lot.

15 Bereki: It is.

16 Mejia: It's a lot, and --

17 Bereki: It is.

18 Mejia: -- I mean, I commend you for going through and
19 knowing, memorizing what we have. But I -- I've
20 jotted notes. Like I said, I've -- I've reached out
21 to an attorney --

22 Bereki: Okay.

23 Mejia: -- to try to guide me in the right direction for this.

24 Bereki: Okay. Yeah.

25 Mejia: But, yeah, I figured I'd try to get a jumpstart on it



1 before I met with you.

2 Bereki: Okay. Cool.

3 Mejia: At least, uh, at least get the basics of the rules
4 down.

5 Bereki: Okay, so -- so basically, if you -- if you just read
6 this, just kind of like without all the legal minutia
7 --

8 Mejia: Mm-hmm.

9 Bereki: -- I think this guy, if I remember right, he was
10 homeless, and they tried to charge him -- the t- --
11 the court tried to impose the fine of court costs on
12 him as a result of him condu- -- committing criminal
13 activity. And he said, "Time out, I'm homeless. I've
14 even though you only charged me \$27, that's excessive
15 because I don't have a job. I don't have" --
16 whatever, and the court agreed with him. Okay, so
17 now, this reverses the j- -- the judgment against him
18 because it violated the Excessive Fines Clause, okay?
19 So --

20 Mejia: The way I understood this, and it just -- 'cause I ha-
21 -- I did have a couple questions about it before we go
22 any further (inaudible - 00:24:45).

23 Bereki: Mm-hmm.

24 Mejia: This wouldn't really apply to you, because essentially
25 you're saying that you paid back the amount that they



1 paid for the remodel, and now you're also getting
2 fined on top of it.

3 Bereki: Exactly.

4 Mejia: And it's an -- it's an amount, that -- let's be
5 honest, you know, 98 percent of the people it to just
6 give away.

7 Bereki: Right, yeah.

8 Mejia: But because you haven't had any hearings --

9 Bereki: Well, it's -- it's not that I haven't had any
10 hearings. Um, you -- you're exactly right. So let's
11 say that they gave me a million dollars to do the
12 work, and I never did the work, and then they applied
13 this statute, and I had to give this million dollars
14 back. Fine.

15 Mejia: Yeah.

16 Bereki: No penalty. But now, if I went and I took that
17 million dollars, and I bought drywall, and two by
18 fours, and screws, and nails, and I gave it all back
19 to them, it was -- there's a court case I can show you
20 where the court basically says, what he did was
21 basically take the money out of one bank account and
22 put it into another, 'cause their equity in the home
23 appreciated as a result of his work, right? So they
24 got the money back already. So now if the court's
25 gonna say, "Give them all their money back again,"



1 well what is that? The only thing I've come up -- be
2 able to come up with is a fine. And I'll show you
3 where that -- where the court says all of that. But,
4 um, so in the context, you said you haven't gotten a
5 hearing. Yes and no. Yes, there was a trial that
6 went on.

7 Mejia: Mm-hmm.

8 Bereki: But it's not a real trial. It's not a real hearing,
9 because none of my rights to my time and labor and
10 property were recognized. And the only way that you
11 can have a valid fair trial is if those rights are
12 recognized, all right? So yes, in a sense, there was
13 a trial, but was it full, fair, and impartial? No.
14 This judge went off the reservation and made up his
15 own shit, and now I'm being punished for that. Um,
16 and so he's acting without authority, and that's why
17 I'm coming to you, because there's crimes being
18 committed. They're stealing my stuff without
19 authority. So that's -- that's -- that's that. Um,
20 so, um, if you read -- this is the trial court judge.
21 His name's David Chaffee.

22 Mejia: Mm-hmm.

23 Bereki: If you read the Minute Order that he is- -- now just
24 to give you a little in- -- about Minute Orders.
25 These aren't judgments. These are basically things



1 that the court is like articulating about what
2 happened, and what it's saying, how it arrived at the
3 determination. But the only thing that really has
4 weight is the judgment itself, all right? So he goes
5 through here, and he says, "The court finds judgment
6 for the cross-complainants, Garen (ph) -- Garen and
7 Kerry (ph) Humphreys', first cause of action for
8 disgorgement of funds paid and against cross-defendant
9 Adam Bereki." Okay? So this word disgorgement, you
10 might think of disgorgement as a cr- -- like we have
11 different names for crimes, like rape, robbery, all of
12 that stuff. Disgorgement is an action that happens in
13 court. And basically what it is, is it's a fancy name
14 for saying you can't profit from your own wrong, and
15 you have to give up the profits from your own wrong.
16 So think about that from a robbery concept, right?
17 Let's say this guy goes and he robs a bank, and he
18 gets 20 grand. He's now profited 20 grand from his
19 illegal activity. So, he can't do that, so they could
20 essentially bring an action for disgorgement against
21 him to give back the money that he profited from his
22 wrongful action, right? In order for a disgorgement
23 action to happen, they have to provide evidence of how
24 much I profited. There's no evidence on the case of
25 any profits that I made. So they can't -- the court



1 can't order anything for disgorgement because there's
2 no evidence that I made any profit, right? Now, I
3 want you to look at 7031(b). Do you see the word
4 disgorgement any -- anywhere?

5 Mejia: Nothin'.

6 Bereki: Okay. It's not, because it's not supposed to be in
7 there. They made it up, all right? Disgorgement is a
8 very separate action. This is a forfeiture, right?
9 You have forfeit what you were given. This is what's
10 called an equitable remedy. This means you profited
11 from something, and you did it illegally, and so you
12 have to give back the profits. Obviously again, I'm
13 saying there's no evidence of any profit on the case
14 in the records at all, that I profited anything. So
15 because of that, the court can't order disgorgement,
16 because the only disgorgement that they can do is not
17 a forfeiture of the whole transaction, but the profits
18 that I made. Does that make sense?

19 Mejia: Sure.

20 Bereki: All right, so they order disgorgement, the judge
21 orders disgorgement, and this is the name of the
22 action they brought against me, disgorgement, okay?
23 So now we come over to the judgment, right, the
24 judgment, filled out by their lawyer. Damages, okay?
25 What are damages? Do you know what damages are?



1 Mejia: Uh, whatever -- essentially what they -- let's see if
2 I get it right. What they feel was damaged, was, um -
3 - essentially they were -- had to repair, any kind of
4 --
5 Bereki: An injury.
6 Mejia: An -- an injury, but I guess I'm tryin' to think about
7 it in the home sense. 'Cause we -- we deal with
8 injuries, that's mainly the damages we deal with at
9 the Highway Patrol, but it's --
10 Bereki: Well -- well, it's the same damages.
11 Mejia: It essentially --
12 Bereki: That's right.
13 Mejia: Yeah.
14 Bereki: They're the damages to the person --
15 Mejia: Property.
16 Bereki: -- or property --
17 Mejia: Yeah.
18 Bereki: -- or anything like that. Okay, right? So if you're
19 doing to go to court and testify and say that someone
20 was harmed as a result of the criminal acts of
21 another, you have to go and present evidence --
22 Mejia: Mm-hmm.
23 Bereki: -- of those harms, right?
24 Mejia: We do it with, uh, doctor's visits, uh, missed time
25 from work, um --



1 Bereki: Ex- -- exactly.

2 Mejia: -- (inaudible - 00:31:11), stuff like that.

3 Bereki: Exactly, okay. So now there's no evidence that they
4 were harmed. They didn't present any evidence in my
5 case that they were harmed, by the fact that I
6 allegedly didn't have a license, right? So, if
7 they're gonna get an award of damages, right, 'cause
8 this is a -- an action --

9 Mejia: Mm-hmm.

10 Bereki: -- in court, damages, then they have to give evidence
11 that there were damages. Well how were they damaged?
12 Because I didn't have a piece of paper? How could
13 that harm them? There's no evidence of it on the
14 case, okay? So this -- they can't get an awarded for
15 damages if they never evidenced that much in damages.
16 You see? Like this is like saying to you, um, okay,
17 because someone did a hit-and-run on you, we're gonna
18 give you \$800 million in damages. Well, where's your
19 doctor's visits? Where's your missed time at work?
20 Where's all of these things? Um, okay. So this
21 deprives the judge of authority to issue an award for
22 damages, in as much as it deprived him of an aw- --
23 uh, the authority to issue an award for disgorgement,
24 because in order for the court to act, the person has
25 to bring a legitimate claim. And you know, like you,



1 we have the elements of an offense, right?

2 Mejia: Mm-hmm.

3 Bereki: In trial, they have to establish every single one of
4 those elements. If they don't, no punishment, right?
5 Same here. There's elements for a claim for damages,
6 and there's elements for a claim for disgorgement.
7 None of those have been satisfied by that. So, , um,
8 what you'll see when you read the Court of Appeal
9 opinion, are you -- are you good right now? You're
10 following along? Awesome. Okay, so I -- all of this
11 happened, and then I went and I filed an appeal. And
12 if you read this, um, basically real quick, it says,
13 you know, Adam challenges the judgment on all these
14 reasons. He's saying that disgorgement is
15 unconstitutional or criminal in nature, because
16 they're fining me now. Now I've committed a crime,
17 right? Um, blah, blah, blah, blah, blah. There's no
18 evidence of in- -- injury. But the amount of
19 disgorgement should've been offset by the amount the
20 Humphreys through the remodel work. You -- you
21 following me?

22 Mejia: Correct.

23 Bereki: Okay. It was improper to order disgorgement because
24 certain -- well, okay, that (inaudible - 00:34:08).
25 Um, so basically, I make all these complaints --



1 Meja: Mm-hmm.

2 Bereki: -- and they say, "We find no merit to any of them,"
3 meaning he's full of shit. But guess what? I'm
4 correct about all of it. I'm showing that to you
5 right now. Um, so, Adam contends the disgorgement
6 remedy, as they're using it, is penal in nature,
7 meaning it's punitive, and therefore he must be
8 afforded all the right- -- criminal rights and
9 protections. So they say, not so, disgorgement is a
10 civil consequence, an equitable remedy for performing
11 work without a required -- without a license, okay?
12 They are right if they're only talking about an action
13 to profits, that involves profits.

14 Meja: But you didn't profit.

15 Bereki: I didn't profit, and there's no evidence of any
16 profit. What they did is they're -- they're using the
17 term disgorgement to hide a total forfeiture, which is
18 a fine. Do you see it?

19 Meja: Mm-hmm.

20 Bereki: So they're saying, you have to give all the money back
21 and that's really a fine, but we're gonna call it
22 disgorgement, and we're gonna call it an equitable
23 remedy, so that we can hide the fact that this is
24 really a criminal case in a civil context. Okay? You
25 can bring a civil case for disgorgement. You can't



1 bring a civil case for a fine or a penalty. Does that
2 make sense? The DA has to do that. So these private
3 people, the Humphreys, can't prosecute me for
4 violating the law any more than like I could go and
5 arrest someone for driving without a license. So if
6 you wanna have like a great -- like a -- an overall
7 picture, think of that -- a person can't go drive
8 around, and with a little like light on the top of
9 their call, pull their peop- -- pull people over and
10 say, "Do you have a license? If you don't, I'm
11 arresting you." That's what they're doing. They're
12 prosecuting me for not having a license in the same
13 way that any person driving around could stop and
14 prosecute someone for not having a driver's license.
15 It's the same thing. But they're trying to dis- --
16 disguise it by using these civil words, disgorgement,
17 equitable remedy, all these things, when it's really a
18 misdemeanor. It's a contract without a license, okay?
19 So, they say, basically, Adam, you're wrong. You're
20 not being punished. It's not punishment, and
21 therefore it doesn't i- -- implicate the Excessive
22 Fines Clause. I'm saying, "You're absolutely wrong,
23 it does, because you didn't take into account the
24 amount of work that I gave them, and there's no
25 evidence of any profits on the record, and there's no



1 evidence of any damages." So if there's no damages
2 and there's no profits, the only thing left is you're
3 fining me, right?

4 Mejia: Mm-hmm.

5 Bereki: Are you following me?

6 Mejia: Mm-hmm.

7 Bereki: Okay, and they're saying, these judges, these three
8 judges in the appellate court are saying basically
9 there's no -- there's no merit, there's no credibility
10 to anything that I'm saying. So, after these people
11 lied to me and the f- -- they -- they uphold the trial
12 court's fine, I then -- you saw this, um, that thing
13 you saw, the Petition for Review. I went to the
14 California Supreme Court. Now, because I didn't get a
15 fair trial and I didn't get a fair appeal, and both of
16 the judges ac- -- all of the judges acted without
17 authority, the Supreme Court now has a duty to
18 intervene and say we need to give you a fair trial
19 because all these judges acted without authority.
20 What do they do? They said, we don't wanna hear your
21 case. So now they've violated due process because I
22 have a right to a fair trial. You see it? Okay. So
23 then I go to the U.S. Supreme Court. They say they
24 don't wanna hear my case. So then I go to -- I file a
25 lawsuit in federal court, and that judge throws my



1 case out and says, um, we can't do anything about the
2 State Court judgment because that judgment's valid,
3 and we can't overrule it. Well, it's not valid.
4 There was no authority to issue it in the first place.
5 They're criminally fining me in a civil case, no
6 authority for that. So then I file an appeal in the
7 Ninth Circuit Court of Appeal, which is federal court.
8 They throw my appeal out as frivolous, one word,
9 frivolous. So now I have nowhere else to go in the
10 court system. So I start making complaints with the
11 legislature. I can show you those later on. They
12 say, we're going to investigate it. After a certain
13 period of time, they stopped responding to me. I've
14 contacted both the senator and the legislator that's
15 in my district here. The, um, the senator office, his
16 chief of staff told me, and I'll show you the audio
17 recording I have of it, he said, um, basically, we
18 have a house -- uh, we have an assembly that's overrun
19 by Democrats, and we have no power to do anything
20 whatsoever. I said, "Time out, I'm showing you how
21 this statute is unconstitutional. You have an
22 obligated duty, a sworn duty to bring and take
23 remedial action immediately to stop this behavior from
24 happening to me and other people." And they say, no
25 we don't, your case is closed. Good-bye. So, then I



1 made a complaint with the assemblywoman. I can show
2 you those records. They said, we're gonna look into
3 it and investigate, and we'll get back to you. They
4 stopped responding. I have those records. Then I
5 started going to the police departments because, under
6 the Constitution, this is where police powers are
7 derived, under the Executive branch, right? You
8 execute the law. "The supreme power of the Executive
9 is vested in the Governor. The Governor shall see
10 that the law is faithfully executed." Which means
11 that he has to make sure that everyone in the
12 government and all the people are following the law.
13 And as part of that power, he vests it in the CHP, the
14 police departments, all of them, to help him ensure
15 that the laws are followed. Follow me?

16 Mejia: Mm-hmm.

17 Bereki: Okay. So I make a complaint to the governor, he does
18 nothing. I make a complaint to Santa Ana Police
19 Department. They refused to investigate and told me
20 flat out, I have it on tape, that they're not going to
21 investigate the judges. I made a complaint to Newport
22 Beach PD, they refused to investigate. I made a
23 complaint to the Orange County Sheriff's Department.
24 They took a information report, and then refused to do
25 anything about it. They said, we can't find any



1 illegal activity. Um, and who else did I talk -- now
2 I'm -- oh, I called the FBI. I have a tape of them
3 saying, "We're not gonna do anything about this. Your
4 rights haven't been violated." I called back again
5 and spoke to someone else. They took a report, but
6 they -- the guy refused to give me his name, a Case
7 Number, or any status, or any updates on the case, and
8 this was at least two years ago, so nothing's been
9 done. Um, and so yeah, now I'm -- I'm here with no
10 remedy, and I can't work, so I can't make my mortgage
11 payment. I can't pay the property taxes. The county
12 property tax person, the county treasurer is coming
13 after, uh, is saying, you -- you -- we're gonna
14 foreclose on your house if you don't pay the property
15 taxes. And now these people are basically gonna get -
16 - force me into bankruptcy or foreclosure, all because
17 everything they did was illegal the whole time.
18 There's no authority to do anything. Do you see it?

19 Mejia: Oh, I -- I follow. You laid it out very well.

20 Bereki: Okay.

21 Mejia: So I see the problem.

22 Bereki: Okay.

23 Mejia: Um, as far as explaining the fines, the penalties, the
24 damages that they claimed, yeah.

25 Bereki: Right.



1 Meja: Yeah, it's laid out well. Uh, it's gonna take me a
2 little bit to completely --

3 Bereki: It's okay, yeah. It's okay.

4 Meja: I -- I -- I don't know how much time that you have
5 before they -- you know, you -- you get to that point
6 where you have to fore- -- foreclosed, or whatnot.

7 Bereki: Well, that's the part, is that -- and this is where it
8 might get a little bit sticky. You -- the police have
9 a duty to protect my rights and property, and so it's
10 your duty to intervene and stop what's going on. I
11 don't know how you're gonna go about doing that. I --
12 I did a little bit of research on Emergency Protective
13 Orders and Restraining Orders. Those seem to apply
14 only to domestic violence situations. There is
15 something that I can do that can get a -- just a
16 normal court Restraining Order, and I will go about
17 trying to do that. I don't know what they're gonna do
18 with it, but basically, as far as anything I've put
19 in, if I allege anything, wrongdoing by any judge, the
20 thing basically goes in the trash. What I mean by
21 that is, they don't -- they don't acknowledge the
22 validity of anything I'm saying, and they say
23 "frivolous" and throw it out. Um, so that's where I'm
24 at. Like I -- I -- there's nobody else to stop this
25 illegal behavior, and I'm not the only one. I -- I



1 can give you many other cases that they've done this
2 to people. They've lost their homes and all this, and
3 they don't have the, um, the knowledge, and
4 experience, and the time to be able to see how the
5 fraud scheme is being pulled off, and so they
6 basically just surrender and lose their house, and
7 their license, and everything, and they have to move
8 on with their life. So I'm doing something different
9 because I have these skills, and -- and knowledge to
10 do something, and so that's why -- that's why we're
11 doing it. So the foreclosure action can't take place
12 because that's a crime. If none of this stuff, if --
13 this judge had no validity, no authority to do any of
14 this, then the sheriff can't come and force me out of
15 my house. Do you see, 'cause now the sheriff's gonna
16 be involved in the crime. Do you see how it's
17 snowballing, and snowballing, and snowballing? So
18 somebody has to do their duty to intervene and say,
19 "Time out. This is criminal activity. This is --
20 they're taking other's property without lawful
21 authority. That's called theft. Obstruction of
22 justice has happened. He's never been given a full
23 and fair trial, and this needs to stop." So something
24 needs to be done. I don't know if you need to go to
25 the DA's Office.



1 Mejia: Well, we, uh, we're actually -- my -- my sergeant
2 (inaudible - 00:44:47) --
3 Bereki: Okay.
4 Mejia: -- and bring this forward.
5 Bereki: Okay.
6 Mejia: I don't know what they're gonna say. Uh --
7 Bereki: Um, I would --
8 Mejia: Uh, he -- he handed this to me and said, "Hey start" -
9 -
10 Bereki: Okay.
11 Mejia: -- "start reading." I put together the binder. I
12 started reading. Um, (inaudible - 00:45:03).
13 Bereki: So if -- if -- if I could make a request, I would like
14 to go to that meeting, um, with you guys. Um, and the
15 reason I say that is because there's been two other
16 police departments, the sh- -- well the sheriff's
17 department and the Newport Beach Police, and they both
18 went to the DA, and the D- -- DA said -- well, um, I
19 have to back up. The -- in the Newport Beach case, I
20 can give you the -- the report. They told the officer
21 that the Constitution protects against, um, uh, the
22 unlawful taking of life, liberty, or property. Well
23 if it does that, then why aren't -- and they said to
24 the police department, "We're not gonna do anything
25 about it." So, I don't know that the police that have



1 gone to the DA's Office have been able to comprehend
2 this on the way that you do, and they haven't been
3 able to share with them the problem that's going on
4 and what needs to be done about it. So I think the DA
5 looks and says, "Oh yeah, the -- yeah, he got an
6 appeal. Yeah, yeah, it says right here, this is what
7 it was. Yeah, yeah, he- -- he's just unhappy with the
8 judgment." Do you see what I'm saying?

9 Mejia: Just taking from face value what's on the paper.

10 Bereki: Exactly. And -- and one of the things that they
11 always say to me, "Oh, you're just unhappy with the
12 judgment." Th- -- th- -- it would be a different
13 thing if this was like a he said-she said, and you
14 know, that's fine. That's a disagreement with the
15 judgment. I'm talking about constitutional violations
16 and theft of my property. That's not just being
17 unhappy, you know? So they try to dismiss what you're
18 saying. Like, oh, you're not a lawyer, you don't know
19 what you're talking about. You can't possibly be
20 right in this. The judges can't possibly be doing
21 this. Here they said it. This is what they said.
22 What they said is what -- what it is. Well, what they
23 -- what the judges said only has validity if they had
24 lawful authority to do it. You follow me? So that's
25 it. Sh- -- I could go to the DA and see, well show me



1 in the Constitution, point out where there's a lawful
2 authority to fine me almost a million dollars, and
3 they can't do it.

4 Mejia: Well you've definitely given me some work to go about.

5 Bereki: So that's where -- so all of this -- so in -- my -- my
6 appeal happened -- I don't remember what the date was.
7 Sometime I think in 2018 or 2019. Oh, 2018, yeah,
8 it's up there.

9 Mejia: Yeah.

10 Bereki: So, you have this case too, Liu v S.E.C.?

11 Mejia: I do. I have --

12 Bereki: Yeah, you have People v Callen (ph) and the S.E.C.

13 Mejia: Yes.

14 Bereki: Okay. So, um, this -- what happened is you see,
15 remember how I asked you in here to -- to find where
16 the word "disgorgement" was and you can't find it?

17 Mejia: Correct.

18 Bereki: Okay. The word disgorgement has never been defined in
19 California statute law, okay? So there's really no
20 definition for it. That's why they're just making it
21 up, right? So, this -- this case -- so goes to the
22 Supreme Court, and it's a case involving disgorgement,
23 okay? So what happens here, I may be a little bit
24 wrong on the details, but I'm just gonna give you like
25 the x the ballpark number. These, um, people solicit



1 wealthy Chinese investors to build a cancer treatment
2 facility here in the U.S., somewhere -- I think it was
3 in California. Let's just say they got \$30 million in
4 investments. Well in the contract, it doesn't show
5 that they're to get any income for doing this, if I
6 remember right. So they start writing themselves
7 exorbitant checks for profit, for doing -- so they
8 start building this, um, cancer treatment facility.
9 Well, somebody gets pissed off, and they go to the
10 Securities and Exchange Commission, and they say,
11 "Look, um, those people aren't supposed to be getting
12 any profit from our agreement. There's nothing in
13 there about that. They're stealing this money from
14 us." So the Securities and Exchange Commission files
15 a lawsuit against them for disgorgement in federal
16 court in civil court. All right, not criminal court.
17 And the judge says, "Yeah, we're gonna order
18 disgorgement against you because you didn't have any
19 right to all those profits." Um, so they got \$30
20 million in investments. The judge said, um, you have
21 to give back all the 30 million, same like -- same
22 like here, okay? So, they appeal, and they say, not
23 so, time out. Disgorgement only applies to profits,
24 and you made me forfeit everything without taking to
25 account the amount of value that I returned to them.



1 You following me?

2 Mejia: Right.

3 Bereki: Okay. So the Ninth Circuit says -- they throw the
4 case out. So it goes all the way up to the Supreme
5 Court. And the Supreme Court defines exactly what
6 disgorgement is. Disgorgement is a remedy that
7 happens in the court of equity. So if you wanna know
8 what a court of equity is, it's basically a court of
9 fundamental fairness, right? So equity means
10 fairness. It means balance. So, what it means is
11 like let's say that under this 7031 statute, they gave
12 me a million dollars. Equity's gonna come in and say,
13 "Well you gave them a million dollars back in work, so
14 now there's no penalty against you. It's over,"
15 right? Because they imposed a penalty upon me, this
16 is not a court of equity. Does that make sense?

17 Mejia: That's correct.

18 Bereki: Okay. So what the court says here is they say, "A
19 court of equity never lends its aid to enforce a
20 forfeiture or a penalty. These are things that happen
21 under penal codes, basically, under the law, right?
22 Not equity. So, to avoid transforming an equitable
23 remedy into a punitive sanction, courts restricted the
24 remedy to an individual wrongdoer's net profits. Do
25 you see what they're saying here now? Because it



1 would be inequitable that a wrongdoer would profit
2 from his own wrong. A disgorgement award that does
3 not exceed the wrongdoer's profits and is awarded for
4 victim is equitable relief permissible. It's under
5 this statute. This is something different. But what
6 they're basically saying is, you can get disgorgement
7 if you only go after the profits. If you take
8 anything more than the profits, then anything beyond
9 the profits is a fine, it's punishable. Okay? So
10 because, going back to my case, there was no evidence
11 of any profits, the whole thing --

12 Mejia: Is a fine.

13 Bereki: Is a fine. Okay? So this case -- this is the highest
14 court in our country defining exactly what
15 disgorgement is. Now I wanna show you something that
16 Justice Thomas wrote in here, 'cause it's very
17 important. Bottom li- -- I don't know where it is in
18 here, but it's in here, and what he basically says, is
19 he says disgorgement has never been defined by statute
20 or anything else. So no one knows what it is, yet all
21 these courts are doing these actions for disgorgement.
22 And he says, uh, basically, as long as courts -- um,
23 there's no definition for the word "disgorgement,"
24 courts will expand their own power arbitrarily,
25 basically, which is what they did.



1 Meja: To you.

2 Bereki: Yeah.

3 Meja: Right.

4 Bereki: So that's the issue. So now, in the past, in some of
5 the con- -- the -- the talks I've had with other
6 police agencies, they say, well we never received any
7 training on how to investigate deprivations of
8 constitutional rights. And I said, um -- have you
9 seen, um, Penal Code 41? Or not Penal Code 41. Um,
10 learning domain. Is it 41 or 2? Sorry. Let me see.

11 Meja: I can probably go through my old learning domain
12 (inaudible - 00:53:25) --

13 Bereki: If you go through --

14 Meja: -- but no, I don't remember what specific one it is.

15 Bereki: Okay. Um, let me look here. I'm gonna look in my --
16 h, here it is. These are from POST.

17 Meja: Yeah.

18 Bereki: So if you g- -- basically go in through here, it
19 teaches all of the law enforcement duties for
20 protecting deprivations of constitutional rights.
21 Defend -- defines how these amendments apply, what the
22 police are supposed to do to protect them, all of that
23 stuff. I can send this to you if you want. Um, and
24 one of them is, right to a trial, blah -- impartial
25 jury, confront witnesses, right -- uh, freedom from



1 cruel and unusual punishments, and it should say
2 excessive fines. So all of that is a part of the
3 training, but they say so. Okay, so what we deal with
4 Adam are penal codes, right? We are -- we make
5 arrests based upon penal code violations. So I said,
6 okay, what penal codes apply? One, eighty-two,
7 (a)(1), you're familiar with that, conspiracy.

8 Mejia: Mm-hmm.

9 Bereki: "To falsely and maliciously indict someone for a
10 crime, or to procure another to be charged or arrested
11 for any crime." Right? So I didn't commit the crime,
12 there's no evidence that I did. I've been punished,
13 and there's been, uh -- uh, proceedings against me for
14 committing a crime that I never committed and there's
15 no evidence, and I've been punished for it. Here's
16 another one. "To falsely -- to move or maintain any
17 suit, action, or proceeding." There's another one.
18 Um, "To cheat or defraud any person of property."
19 "Robbery is the felonious taking of property from the
20 possession of another from his person or immediate
21 presence and against his will accomplished by means of
22 force or fear." The force here is the arbitrary
23 actions of the judge saying that he's using lawful
24 authority and he's not. So they -- they've taken
25 millions and millions of dollars from me in the way of



1 fining me -- or from not allowing me to u- -- earn a
2 living. Okay? When I was -- my salary when I was a
3 contractor was \$500 a day. So if you take \$500 a day
4 times all the days that have been going on for years
5 now, it's millions of dollars, okay? And now they're
6 taking my -- they're going to take my home away, and
7 I'm absolutely afraid of the repercussions of this,
8 because they have no authority to do it. Um, 470(d),
9 false utterances, all of this, allegations of a crime,
10 forgery, fraud, um, grand theft. Anyways, so those
11 are just a couple. Here's another thing, just to show
12 you under the civil code. This obviously isn't
13 criminal, but it says, "Every person is bound,
14 including judges, without contract to abstain from
15 injuring the person or property of another or
16 infringing upon any of his or her rights." So all
17 these judges have a duty under the Constitution not to
18 -- to take my property without lawful authority, and
19 they're doing it. And I have no recourse, except
20 unless you do something.

21 Mejia: I think you've exhausted your recourses, right?

22 Bereki: Yeah. Yeah. So if you want to go on to my -- my
23 website --

24 Mejia: Spirit of Law?

25 Bereki: Yes. You can go here under procedural history, like I



1 showed you before, and you can see, each one of these,
2 there's the trial. Then you go to appeal and the
3 documents that they filed. Then you go to, um,
4 another action I filed in the Superior Court after the
5 appeal. Then you'll start to see that I go, um,
6 Supreme Court of California. Denied. I wrote this to
7 the Supreme Court of the United States. They refused
8 to hear it. Here's the lawsuit I filed in federal
9 court. I asked for an attorney. So that's another
10 thing I wanna bring up. Because they ultimately
11 criminally prosecuted me, they had to give me an
12 attorney. And you know in criminal prosecutions, all
13 of the burden of proof changes, right? It goes from
14 reasonable -- reasonable -- reasonable suspicion to
15 proof beyond a reasonable doubt. None of that
16 happened. No attorney, no nothing. No trial by jury.
17 All of those things deprived the court of authority
18 because they're violations of due process, to fine me,
19 or punish me, or do anything. You see?

20 Mejia: Mm-hmm.

21 Bereki: How it's working? So I go and I ask for counsel.
22 They -- the federal court denies it. Um, I -- um,
23 while I was in the appeal is when this Liu v S.E.C.
24 case happened.

25 Mejia: Where?



1 Bereki: Um, this case.

2 Mejia: Mm.

3 Bereki: So my appeal was before the Ninth Circuit when this
4 case happened. This case was a case involving the
5 Ninth Circuit. Is this making sense?

6 Mejia: Mm-hmm.

7 Bereki: So, during my time that I was making an appeal, the
8 U.S. Supreme Court actually defined what disgorgement
9 was, and they told the appellate court how to
10 basically adjudicate my case. Do you know what they
11 said to my appeal?

12 Mejia: Frivolous.

13 Bereki: Um, it's not on this actually. Judgment, Ninth
14 Circuit Court of Appeals. "District Court certified
15 that this appeal is frivolous. Upon review of the
16 records, we conclude this appeal is frivolous. We
17 therefore deny his right to proceed without paying us
18 and dismiss his case as frivolous." So what I'm
19 actually sharing with you is a pattern and practice of
20 criminal activity, RICO, by state and federal judges.
21 Are you familiar with RICO?

22 Mejia: Yeah.

23 Bereki: Okay, yeah.

24 Mejia: Racketeering, and --

25 Bereki: Yeah. Yeah, and they're all lying. And how can you



1 deny that this is -- the date on the case, they
2 announced it March 3, 2020. Uh, ar- -- no argued.
3 Decided June 22, 2020. November 12, 2020, they filed
4 that. This was after this case got sent back to them
5 for making the same error that was made in my case,
6 and despite this, they threw my case out as frivolous.

7 Mejia: Okay.

8 Bereki: Yeah. So, um, okay.

9 Mejia: Well, I actually commend you for going to the lengths
10 you have. Obviously you have a lot at stake, uh, but
11 having this website makes it so much easier.

12 Bereki: Okay.

13 Mejia: Um --

14 Bereki: I -- I want -- please feel free to call me any time
15 when you have a question, and I'll give you the
16 resources that you need so that I can support you in -
17 - in doing your investigation, but also so that you
18 can verify everything that I'm saying in case law.
19 Right, that's the whole point of this, it just isn't
20 me saying it. I'm handing you things that the Supreme
21 Court of the United States is saying. That's the
22 difference. So that's what's important. So I wanna
23 show you the authority in the Constitution, in the
24 statute, in some court case that says what I'm saying
25 so there's no like, oh, he's just making this up.



1 Mejia: Mm-hmm.

2 Bereki: You know what I'm saying?

3 Mejia: Yeah, I understand.

4 Bereki: Okay.

5 Mejia: You're providing your resources. You're citing your
6 work.

7 Bereki: Yeah, yeah, absolutely. Absolutely, so you have it.
8 So, um, I guess I'll just, um, keep in touch with you
9 from here about the foreclosure process. But yeah, I
10 -- I -- I don't --

11 Mejia: I'll actually bring this forward to my sergeant as
12 well, because --

13 Bereki: Okay.

14 Mejia: -- he was the original one that you contacted.

15 Bereki: Yeah, yeah. Ed Moran, right?

16 Mejia: (Inaudible - 01:02:33).

17 Bereki: Yeah, yeah.

18 Mejia: So.

19 Bereki: Now, I don't know what you've talked about with him,
20 and you don't have to share it with me, but Ed didn't
21 get this. He does not understand what I just shared,
22 and he doesn't seem to have the capacity that you do
23 to understand what I'm sharing.

24 Mejia: He's actually very smart. I will say this.

25 Bereki: Okay.



1 Mejia: A very smart man.
2 Bereki: Okay.
3 Mejia: Uh, investigative mind.
4 Bereki: Okay.
5 Mejia: Like very few that I've seen. All he told me was
6 like, hey, this is what's going on.
7 Bereki: Mm-hmm.
8 Mejia: I'm gonna send you all of it. He put it in my -- my
9 file at work, said, "Here you go."
10 Bereki: So he and I went round and round. I mean, we were
11 like goin' to blows on the phone. I mean, not really.
12 Mejia: Mm-hmm.
13 Bereki: Just two guys arguing on the phone. And he said, "I
14 can't see it. I can't see anything that they've done
15 wrong that you said." So, I don't know what planet
16 he's on, but yeah, there's some- -- there's a
17 disconnect. Um, and maybe he hasn't done the -- this
18 -- the research to the degree that you have. Maybe he
19 did a little bit and couldn't see anything, and so he
20 -- he assigned it to you. But it seems pretty clear
21 to me that you understand what I'm s- -- saying, and
22 you may not be able to put it into the same context or
23 use the same words, but --
24 Mejia: Well, I understand where you're coming from, the way
25 you explain it, and how you get to that point.



1 Berekhi: Okay.

2 Mejia: Obviously, I'm not speaking for the judges and the
3 people that you've dealt with, but I'm sure that if
4 they sit down and lay it out for me, it's like this is
5 why we made this decision here, here, and here.

6 Berekhi: Right.

7 Mejia: Um, I will say you have the resources, and you sat
8 here and explained every definition that you needed
9 to. Every term that they used against you, you
10 defined it. You've explained why it doesn't fit, so
11 you've made your case. Um, it's just time for me to
12 go to work and --

13 Berekhi: Right. So do you think, like in your investigation,
14 you're gonna go talk to the judges?

15 Mejia: So, I -- like I said, I talked to -- I started to talk
16 to an attorney.

17 Berekhi: Mm-hmm.

18 Mejia: Um, the -- the local attorney that does all the -- the
19 cases for us. (Inaudible - 01:04:33), but I don't
20 know what the -- lead me in the right direction.
21 Where do I start? Where do I go?

22 Berekhi: Mm-hmm.

23 Mejia: So he gave me a couple of resources.

24 Berekhi: Okay.

25 Mejia: Um, I can tell you that this is somethin' that I



1 haven't heard anyone else handling something like this
2 at the local area level.

3 Bereki: Right.

4 Mejia: Uh, so --

5 Bereki: Just so you know too, the bar association, the state
6 bar association is a part of this. And it is the
7 state bar association lawyers that are bringing these
8 actions that are totally illegal in these courts and
9 doing this. So this guy, William Bissell, their
10 attorney --

11 Mejia: Mm-hmm.

12 Bereki: -- he's an attorney. He's part of the bar
13 association. They're a part of this. So, if you go
14 to them -- I'm not saying that all of them are
15 corrupt, or anything like that.

16 Mejia: Mm-hmm.

17 Bereki: I'm just saying that they've been doing this for a
18 hundred years in California. A hundred years they've
19 been doing this to people. And people are saying like
20 time out, and they just say, fuck you, we don't wanna
21 hear it. And I'm the first person I know of -- I
22 mean, other people have gone and done appeals, and
23 things like that, but never has it been taken to this
24 level. And so that's why I think I'm getting shut
25 down, because I'm right over the target, and if they



1 admit this, there a hundred years of wrongdoing that
2 they have to undo. And I'm talking about millions and
3 millions of dollars in judgments that they've ordered
4 people to pay, or to not get paid, because of all of
5 this. So, there's a lot at stake, you might say, for
6 them admitting what they've been doing, and that's why
7 I think it's getting shut down everywhere, because
8 they can (inaudible - 01:06:05). And that's where the
9 conspiracy part comes in. But look, I'm this, and I -
10 - I -- I don't know, like they come and steal my
11 house, we may have a problem there. You see how it's
12 -- it's just escalating and going. And -- and I'm --
13 I'm doing everything in my power to tell the truth and
14 to show what the actual law really is, to educate
15 people. But I can't do anything if the people that
16 are in these positions of honor and profit and trust
17 in sworn duties aren't gonna do it. So, there's a
18 difference between discretionary and mandatory duties,
19 right? We talked about that?

20 Mejia: Mm-hmm.

21 Bereki: The DA has discretion on whether or not they file or
22 prosecute a case. But what they don't have discretion
23 over is when I come with a complaint of civil r- -- a
24 complaint of violation of rights, they have to take
25 action upon it. Now maybe that action is a criminal



1 complaint. Maybe that action is a Restraining Order.
2 Maybe that action is to bring an action of their own
3 of -- of some type to stop this and get a res- -- get
4 a Protective Order. I don't know what they can and
5 can't do, so to speak, but they have to do something.
6 They can't just say, "Oh, well we're not gonna do
7 anything about it." Because what that a- -- amounts
8 to is overruling the Constitution. Do you follow me
9 there? The Constitution isn't discretionary. It
10 isn't for anyone to just come and say, "Oh, we choose
11 we're gonna enforcement today and not tomorrow."
12 That's where their discretion is. So most of the
13 cases that the DA handles are cases involving like,
14 um, vehicular manslaughter, something like that.
15 Someone's constitutional rights in that context may or
16 may not have been violated. When they haven't been
17 violated, then they don't have -- then they discretion
18 on whether they're gonna file a complaint or not. But
19 if someone alleges a claim of constitutional rights
20 violation by a public official who has a duty not to
21 violate those rights, they don't have discretion. And
22 so that's the problem I'm having, is that all these
23 judges, the legislatures, and the other cops that I've
24 gone to, they're all treating this as discretionary
25 and we don't have to do anything about it, when they



1 do. And as a result, that's -- that's the situation
2 that I'm in.

3 Mejia: Obviously that's why I'm here.

4 Bereki: Right.

5 Mejia: Sergeant Moran said, "Hey, we need -- we have a duty
6 to do this. Here you go."

7 Bereki: Ah.

8 Mejia: And that's why I'm here.

9 Bereki: Okay.

10 Mejia: 'Cause, believe me, he -- he very well understands,
11 and our management at our office very well understands
12 that when something like this is brought upon, you
13 know, a good plenty of people, people goin' like, hey,
14 this is comin' across your desk, why won't you do
15 something? It's not like you have a choice.

16 Bereki: Right.

17 Mejia: This is -- yeah, so no, I -- I understand where --

18 Bereki: I have to tell you, like my interaction with you and
19 the work that you've done so far, and -- and the --
20 the professionalism that you've showed is far beyond
21 any of these other police agencies that I've gone to.
22 I mean, I -- I am so impressed with the California
23 Highway Patrol. Like because of you, not Moran, I --
24 I have issues with him. But your work ethic and what
25 you're doing is, like I can't even tell you how far



1 beyond what these other agencies are doing. So I'm
2 beyond impressed, and I'm grateful --

3 Mejia: Thank you.

4 Bereki: -- for -- for what you're doing. And you -- you
5 clearly are taking this seriously, and -- and to
6 heart, and you're doing your best to understand, and
7 to not just dismiss me because, you know, I'm just
8 some whacko making crazy complaints, you know. And,
9 um, so I -- I'm very grateful for that. Is there any
10 questions you have of me? Like --

11 Mejia: I will have some.

12 Bereki: Yeah.

13 Mejia: But no, not -- not necessarily. I -- I think, uh,
14 from reading your documents, the appeals, I understood
15 where you're coming from.

16 Bereki: Okay.

17 Mejia: Obviously, what you've presented is a lot of
18 information.

19 Bereki: Right.

20 Mejia: And I've got to back and review it, and, um, it helps
21 that you have an actual website with all your
22 documents, and --

23 Bereki: Right. So I just -- let me see if I can bring it up
24 and show you that. That document that I gave you, the
25 one to the, um, the Attorney General and District



1 Attorney's Office?

2 Mejia: Mm-hmm.

3 Bereki: That's part of a larger document. I basically just
4 adapted it, and I wanna show you where that is. So
5 it's on this, um, right here, 16, state and federal
6 judges sued in Supreme Court. So if you click on this
7 and you see the Emergency Petition, okay, that's this.
8 It'll bring up this document, and the pages that you
9 have are parts of this document.

10 Mejia: That's not complete?

11 Bereki: So you have -- you don't have the comp- -- um, look,
12 171 pages.

13 Mejia: It's this one here, right?

14 Bereki: No.

15 Mejia: No?

16 Bereki: Um, it's the one to the -- uh, this.

17 Mejia: Yeah.

18 Bereki: Okay, so if you see right there, it says "trial."

19 Mejia: Mm-hmm.

20 Bereki: Right, look, if I go down here to -- see "trial"?

21 Mejia: Right.

22 Bereki: Page 24. So let me go to Page 24, and you're gonna
23 see --

24 Mejia: Yeah, I think I got all of like 16, 17 pages of it?

25 Bereki: Yeah, so you got only the portion to like give you, um



1 -- so see right here? This case began -- oh, no, no,
2 no, that's the background.

3 Meja: Yeah.

4 Bereki: Oh, it's right here. You see? I changed "Petitioner"
5 --

6 Meja: Uh-huh.

7 Bereki: -- to "I", so I went through and did those things.

8 Meja: Mm-hmm.

9 Bereki: But this is the same --

10 Meja: Okay.

11 Bereki: You have 16 pages of this.

12 Meja: Uh-huh.

13 Bereki: But beyond that 16 pages, where it shows all the
14 police department work I've done, all the legislature
15 work I've done, it's all in here.

16 Meja: Okay.

17 Bereki: And they've, um -- so just to give you a little bit
18 more, I went to the, um -- under the Constitution, the
19 United States Constitution, the Supreme Court acts as
20 a -- it can act as a court, right? Not just -- it
21 doesn't just review cases. You can bring an actual
22 complaint there when you have -- when you sue a state.
23 So I sued the State of California, and the -- all of
24 the courts, the Supreme Court, the legislature, the
25 District Court, the United States Court of Appeal, and



1 all of the judges, and the private parties, I sued
2 them all in the United States Supreme Court. The
3 Clerk of Court refused to file my case.

4 Mejia: Is that the one I have at the end? Or not, that was
5 the Attorney General. I'm sorry.

6 Bereki: Yeah, no, that's the Attorney General. They refused
7 to f- -- now -- now here under the Constitution, they
8 have no right to refuse to file your case. That's
9 treason. Okay, they have a duty to adjudicate your
10 case when you bring a claim before the court and they
11 don't do it, treason. All of this behavior that
12 they're doing, fining without authority, violations of
13 due process, any time they violate the Constitution,
14 the Supreme Court has said that that's a violation of
15 treason. So, this is huge, what they're doing. So
16 now, I even went to the Supreme Court and tried to
17 file a case there too, because they obviously wrote
18 this decision. They know exactly what I'm talking
19 about, and they're refusing to do anything about it.
20 I cannot talk to any of the justices. I cannot get
21 past the Clerk of the Court. Anything I send to the
22 court, he packages up and sends back to me. So, I
23 don't know what's gonna happen here, but --

24 Mejia: I'm interested as well.

25 Bereki: Yeah.



1 Mejia: It may make some groundbreaking movement, or --

2 Bereki: Yeah.

3 Mejia: -- because you -- you are right. Like I said, I don't

4 know that anyone that -- else that I've spoken to has

5 handled anything like this. I don't know that anyone

6 has put together a package like you have. I d- -- you

7 do have a background in investigations, and --

8 Bereki: Right.

9 Mejia: -- the knowledge and resources to do this kind of

10 stuff, whereas a lot of other people don't.

11 Bereki: Right. So basically what I did is like what you did.

12 I started making a binder. I started figuring out,

13 okay, well what did this court say? How do the courts

14 work? How do I read these cases? How do I write what

15 they're writing? How do I understand it? I have to

16 look up what all these terms mean. And as I did that,

17 I s- -- the picture just started to get clearer and

18 clearer and clearer, just like for you. Yeah, so, um,

19 I will go home and scan these and then email 'em to

20 you, if that's okay.

21 Mejia: Perfect.

22 Bereki: Um, and then, um, yeah, you'll -- you have most of

23 them. So what I saw that you have, I won't give you

24 again.

25 Mejia: Perfect.



1 Bereki: Uh, other than that, like I said, please -- please
2 feel free to email or call me. Don't worry about bo-
3 -- bothering me, just call. I can point you wherever
4 you need to go, and I also have access to this
5 computer system where you can get cases.

6 Mejia: Okay.

7 Bereki: So if you want a copy of the case, like if you're
8 reading this and you go, "Oh, they talked about this
9 in here, what case is that?" I can get you a copy of
10 that so you can read about it. Um, (inaudible -
11 01:15:22), you know, yeah.

12 Mejia: Mm-hmm. I have a business card in my car, if you
13 wanna follow me I'll give it to you.

14 Bereki: Okay.
15
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