

Phone call with Matt from Senator Min's Office

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[E33- SENATOR MIN]

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1 Matt: -- listen to whatever your concerns are and just kind
2 of what -- chat about what's goin' on, or if it was
3 like there's a bill coming up and you'd like to take a
4 position on somethin', or wanna let you tell us about
5 your position. Like that's the kind of stuff that we
6 can do. Um, so but Adam, tell me what's goin' on.

7 Bereki: Okay, j- -- before I do that, I -- I'm sorry, I missed
8 your name. Can you tell me again?

9 Matt: Oh, my name is Matt.

10 Bereki: Matt, okay.

11 Matt: Yes.

12 Bereki: Thank you -- thank you for -- for being willing to --
13 to listen and -- and help me, Matt.

14 Matt: Mm-hmm.

15 Bereki: So, um, uh, I'm gonna give you the Reader's Digest
16 version, uh.

17 Matt: Okay.

18 Bereki: So long story short, I used to be a police officer in
19 California. When I was, um, retired I got into
20 construction work. Like the law requires, I went and
21 got a, uh, contractor's license, passed all the exams,
22 and all of that stuff --

23 Matt: Mm-hmm.

24 Bereki: -- and then started, um, doing construction work.

25 Matt: Okay.



1 Bereki: Um, basically I worked for a -- primarily for a
2 wealthy family here in Orange County, and, um, I was
3 doing a multimillion-dollar remodel project for them.
4 We had a dispute, it ended up in court.

5 Matt: Okay.

6 Bereki: Um, they alleged that I was unlicensed --

7 Matt: Okay.

8 Bereki: -- and the court fined me almost one million dollars
9 for not being licensed.

10 Matt: Uh-huh. Okay.

11 Bereki: Um, so I said, uh, wait a minute judge, this is what's
12 called an excessive fine. Um, I said, even under the,
13 uh -- even under the licensing laws, the maximum fine
14 under the criminal statute is 5,000. This is 186
15 times that.

16 Matt: Yeah.

17 Bereki: So, um, after that, what I found is there's a statute,
18 um, that also denies -- it suspends or revokes your
19 license until you pay the fine, or the judgment.

20 Matt: Mm-hmm.

21 Bereki: So, there's another major problem with that because
22 you don't get a hearing. Not even an administrative
23 hearing. And there is no appeal process.

24 Matt: Hm.

25 Bereki: So, um, uh, as immediately, you know, the judgment was



1 void because it violates both the Excessive Fines
2 Clause to the California u- -- and the U.S.
3 Constitution.

4 Matt: Mm-hmm.

5 Bereki: So I appealed it. And the appellate court said, "No,
6 you're not being punished. This isn't a fine." I
7 said, "Well, what in the hell is it?" And they said -
8 -

9 Matt: Mm.

10 Bereki: -- "It's an equitable remedy called disgorgement."
11 Well --

12 Matt: Okay.

13 Bereki: -- um, the United States Supreme Court in 2020 ex- --
14 explained what disgorgement is, and it's basically,
15 uh, an action to recover profits for illegal
16 wrongdoing.

17 Matt: Okay.

18 Bereki: It's not the forfeiture of an entire transaction, like
19 what the court did to me.

20 Matt: Okay.

21 Bereki: So -- so let me give you another, just kind of a
22 little bit more on what the court did.

23 Matt: Okay.

24 Bereki: So they -- assume that like you hired me to build you
25 a million-dollar home and you paid me a million



1 dollars, and I went out and bought all the materials,
2 and all that stuff, and I hired the people, and I
3 built you the million-dollar house, but then you bring
4 an action and say, oh, you know, this guy wasn't
5 licensed. Yeah, I got my house, yeah, the work's
6 fine, but, um, he wasn't licensed. And so the court
7 made me give back the million dollars, on top of the
8 million dollars that I'd already given back to them in
9 work.

10 Matt: Mm, gotcha. Which you had already paid out to -- to
11 the subcontractors, like that kind of stuff?
12 Materials, that kind of thing?

13 Bereki: E- -- exactly.

14 Matt: So you're sort of like in a -- you're in like a --
15 like a -- you're payin' two directions, basically.

16 Bereki: Exactly, yes.

17 Matt: Okay.

18 Bereki: So the courts in these cases, they're not taking into
19 account the value that's already been returned.

20 Matt: Mm.

21 Bereki: I mean, this is like simple logic. But they're --
22 this has been going on in California for over a
23 hundred years.

24 Matt: Mm, okay.

25 Bereki: So, um, after the Court of Appeal refused to overturn



1 the judgment, I went to the California Supreme Court,
2 and they refused to hear my case. Um, my argument is
3 they had a duty -- now ordinarily, the -- the Supreme
4 Court of California does not have to hear your case.
5 Th- --

6 Matt: Right, general discretionary. Yeah.

7 Bereki: Exactly, but that rule becomes mandatory if you -- if
8 you were not given a full, fair, and impartial hearing
9 and appeal.

10 Matt: Okay.

11 Bereki: Otherwise there's no court in California to go to.

12 Matt: Mm-hmm.

13 Bereki: So, um, that's my stance on that. So because I had no
14 remedy in California, I appealed it -- I did a
15 Certiorari Petition to the U.S. Supreme Court. They
16 refused to hear the case.

17 Matt: Mm.

18 Bereki: So now I have no state or federal court to go to. So
19 then I filed a complaint in the U.S. District Court,
20 an independent action in equity to vacate the state
21 court's void judgment --

22 Matt: Okay.

23 Bereki: -- because it violated the Constitution, and they
24 claim they didn't have jurisdiction.

25 Matt: Hm. Okay, w- -- just because they didn't have federal



1 jurisdiction? Was that the issue (inaudible -
2 00:04:33)?

3 Bereki: Yes.

4 Matt: -- (inaudible - 00:04:36)?

5 Bereki: Yes, what they basically said was that I was appealing
6 the state judgment. But -- but that's not true. If
7 the judgment's va- -- it's just to vacate a void
8 judgment, and that's a ministerial act, it's not an
9 appeal, and there's plenty of case law on that. So,
10 yeah, I'm not sure if you're familiar with the Rooker-
11 Feldman Doctrine, but they threw that at me and said,
12 "We don't have jurisdiction to do this." And so
13 that's a lie. So they did have jurisdiction. So I
14 appealed that to the Ninth Circuit. The Ninth Circuit
15 threw my case out as frivolous.

16 Matt: Mm.

17 Bereki: So then, um, I -- while all of this was going on, I
18 made a complaint to Cottie Petrie-Norris.

19 Matt: Okay.

20 Bereki: Um, and her office said that they were going to
21 investigate and get back to me within two weeks, and
22 they've never responded since.

23 Matt: Okay.

24 Bereki: I have reached out to them multiple times, and they've
25 stopped responding.



1 Matt: Hm, okay.

2 Bereki: Um, I made a complaint to Senator Moorlach's office.

3 Um, what I called a Petition for Redress of Grievance

4 at the time, and, um, they flat out re- -- they said,

5 "Well, your redress petition is simply to make a

6 complaint, we don't have to investigate it." I said,

7 "Well, what good does that do if the government

8 doesn't have to take action based upon your complaint

9 and just say, 'Oh well, you had the right to make a

10 complaint. You made the complaint, and we're choosing

11 not to do anything about it.'" So --

12 Matt: Mm-hmm.

13 Bereki: -- that's what he did, and shut it down.

14 Matt: By the way, uh, back -- back me up on -- on the -- so,

15 you know, um, the -- back me up on the complaint that

16 you submitted over at Moorlach's office. I'm just

17 tryin' to get a sense of -- 'cause like, you know,

18 we're that office right now.

19 Bereki: Okay

20 Matt: Um, I -- you know, 'cause that was -- that was the

21 previous -- um, that was the previous holder, so --

22 you know, and then -- then my boss had an election,

23 and then my boss won.

24 Bereki: Okay.

25 Matt: But, um, what, uh, the process on it, 'cause I don't



1 think we've ever seen one of those. So like what did
2 -- what did you submit over to them? Or like how did
3 they (inaudible - 00:06:23).

4 Bereki: So -- so basically -- basically, what I was relying
5 upon, and I'm -- it's essentially the same thing I'm
6 doing right now, but it's just the legal terminology
7 for it. Under the California Constitution, I don't
8 have the Article in front of me, I can get it for you.

9 Matt: Okay

10 Bereki: But it's -- it's very similar under, uh, the First
11 Amendment of the U.S. Constitution.

12 Matt: Mm-hmm.

13 Bereki: And it -- they -- they both guarantee the right to
14 petition any branch of government for redress of
15 grievance.

16 Matt: Mm-hmm.

17 Bereki: It's basically the right to make a complaint to the
18 government and have your complaint fully, fairly, and
19 impartially adjudicated by that branch of government,
20 right?

21 Matt: Yeah.

22 Bereki: Because all the branches are to serve as checks and
23 balances for the other branches. So if -- if one of
24 the branches such as the -- the Judicial Branch is out
25 of line, the Legislature or the Executive, or both



1 have powers to -- to act as a check and balance on
2 that branch to bring it within it's constitutionally
3 mandated duty.

4 Matt: Mm-hmm.

5 Bereki: Um, that was the whole system of checks and balances
6 that were set up. So --

7 Matt: Gotcha.

8 Bereki: -- essentially, if you can't get relief in one branch,
9 you can go to another.

10 Matt: Okay.

11 Bereki: And that's also why the -- the federal courts and
12 federal government were set up as a check and balance
13 on the states.

14 Matt: Sure.

15 Bereki: Um, so, anyways, um, I went to -- I, uh, complained to
16 Moorlach's office, uh, just as I had done with Cottie
17 Petrie-Norris' office, and, um, their -- his Chief of
18 Staff, uh, said, "Well, you've made the complaint, and
19 we're rejecting it, and we're not going to investigate
20 it."

21 Matt: Hm.

22 Bereki: So, um, I made a complaint to the California Governor
23 and the Attorney General.

24 Matt: Okay.

25 Bereki: About three complaints to them. They have refused to



1 investigate all of them. I -- I did submit a Public
2 Records Request to them to get the documents
3 evidencing their investigation, and -- and they have
4 none.

5 Matt: Okay.

6 Bereki: Um, so I made a complaint to, um -- I made a crime
7 report and a Petition for Redress of Grievance with
8 five police departments in my area who have
9 jurisdiction over this issue.

10 Matt: Okay.

11 Bereki: And all five of them, including the County Sheriff,
12 refused to -- actually it might be four and the County
13 Sheriff --

14 Matt: Mm.

15 Bereki: -- refused to, um, fully, fairly, and impartially
16 investigate my complaint or to intervene to stop the
17 illegal behavior.

18 Matt: Gotcha.

19 Bereki: Um, because essentially what's happening is they're
20 attempting to seize, um, almost a million dollars
21 unlawfully.

22 Matt: Mm. Okay.

23 Bereki: And that's my property.

24 Matt: And -- and the complaint on this specifically is that
25 like the, um, the -- the -- the court decision was



1 just -- was incorrect but --

2 Bereki: Well, uh, it's noth- --

3 Matt: -- they're like tryin' to act on that, you know,

4 actually like --

5 Bereki: No. It -- it goes way beyond that.

6 Matt: Okay.

7 Bereki: It goes way beyond that.

8 Matt: I'm tryin' to put it, you know, in like very general

9 terms. But yeah, okay, uh, give me the, um --

10 Bereki: Okay.

11 Matt: -- give me the specifics on it.

12 Bereki: So, the -- the why -- wa- -- the wh- -- how it goes

13 way beyond that is this. Okay, the statute that I'm

14 talking about is called Business and Professions Code

15 7031(b).

16 Matt: Okay.

17 Bereki: And basically, what it says is that a homeowner who

18 uses the services of a -- of an unlicensed contractor

19 can bring a -- an action in any court of competent

20 jurisdiction to recover all compensation paid.

21 Matt: Mm-hmm.

22 Bereki: Okay. So, 7031(b) doesn't exact -- doesn't make i- --

23 unlicensed contracting illegal. It --

24 Matt: Okay.

25 Bereki: -- borrows that unlawfulness of unlicensed contracting



1 from 7028, which makes it a misdemeanor. And -- and
2 you can get, uh, up to a \$5,000 fine and six months in
3 county jail --

4 Matt: Gotcha.

5 Bereki: -- for -- for violating that, okay?

6 Matt: Right.

7 Bereki: So, my beef is this. If you go to California Penal
8 Code Section 15, uh, it defines a crime or a public
9 offense as an act, uh, or omission o- -- of -- of law,
10 um, against law committed -- wait, I'm -- I need to
11 look it up for you.

12 Matt: Oh yeah, no worries.

13 Bereki: But the -- the long -- the long story to us is if you
14 violate -- if you commit a public offense or a crime
15 in violation of a law forbidding or commanding you to
16 do something, and the punishment for that is a fine,
17 or a death, or imprisonment, it's a crime or a public
18 offense. Okay? So in order -- like I'm sure you
19 understand that only, um, the Executive of California,
20 like through the District Attorney's Office and things
21 like that, or the Attorney General, can prosecute
22 public offenses.

23 Matt: Sure.

24 Bereki: Like -- like I can't go and say that you're driving
25 without a license and commence a -- a prosecution in



1 criminal court --

2 Matt: Mm-hmm, right.

3 Bereki: -- against you. That's not the way the separation of
4 powers work.

5 Matt: No, e- -- even -- even as a state senator, you can't
6 do that. I mean, we -- we can't even compel testimony
7 at a hearing, so.

8 Bereki: Right, right, right. So -- so now what has happened
9 is the legislature has unlawfully vested the, uh,
10 Executive power into private parties to commence what
11 appear to be civil -- civil, um, cases on the surface,
12 but what are really criminal prosecutions in disguise.
13 Because --

14 Matt: Oh, gotcha. Because it -- because it's -- because
15 like, uh -- uh, 7028, uh, classifies that as a
16 misdemeanor.

17 Bereki: Yes.

18 Matt: (Inaudible - 00:11:27).

19 Bereki: Yes.

20 Matt: (Inaudible - 00:11:29).

21 Bereki: It's -- it's -- you're --

22 Matt: I saw where you're goin' there.

23 Bereki: You're -- you're -- you're -- you're taking the -- the
24 -- the misdemeanor offense, the same elements of the
25 offense, moving it over to a civil action, and that's



1 fine, because there are many things that you can do
2 that are, you know, crimes and also civil cases. But
3 the issue that it comes down to is what's the civil
4 remedy?

5 Matt: Mm.

6 Bereki: Are you getting -- are you getting damages? Or are
7 you getting some type of equitable remedy? And here,
8 there is no damages or equi--- equitable remedy, it's
9 a straight-up penal forfeiture.

10 Matt: Mm-hmm.

11 Bereki: Where they're not taking into account, as you
12 recognized earlier, the -- the benefits that have been
13 conferred upon the other party, right? Um, so the
14 straight-up forfeiture, like no joke, probably the
15 most egregious case I've seen of this is the Judicial
16 Council of California hired this company to, um,
17 maintain the California court buildings. And this
18 company went, um, into a -- a -- a -- a corporate
19 reorganization during the contract, and their new
20 company didn't hold a license for a period of a couple
21 of months. And so the J- -- Judicial Council brought
22 a lawsuit against this company, seeking to have all
23 \$26 million that they had paid under the contract
24 returned to them.

25 Matt: (Inaudible - 00:12:46).



1 Bereki: Even though they alleged that the company had done a
2 good job and there was no wrongdoing.

3 Matt: Hm.

4 Bereki: So, the courts are ext- -- egregiously -- I mean, this
5 is -- the -- the simple way to put it is treason.

6 Matt: Mm.

7 Bereki: It is bad. And there have been many people -- I'm not
8 the first. I'm -- I haven't finished telling you my
9 story of what's going on here yet.

10 Matt: Okay.

11 Bereki: But there have been -- I know of another man who, um,
12 he was forced into bankruptcy and lost his home
13 because the judgment against him was a million
14 dollars. He did the work, and there was no problem
15 with the work, and he actually had a license in his
16 own name, but he did it in his company name, and his
17 company wasn't licensed. So --

18 Matt: Mm.

19 Bereki: -- technically under the law, the state had already
20 determined that he was competent, but because it
21 wasn't done in his company's name, he was fined almost
22 a million dollars, and, you know, ultimately forced
23 into bankruptcy and lost his home.

24 Matt: Gotcha.

25 Bereki: Um, another man, um, his company erected all of the



1 steel for the Disneyland Hotel and they -- he had an
2 ornamental license and not a structural steel license,
3 and so they refused to pay him like \$1.2 million for
4 all of his work.

5 Matt: Okay.

6 Bereki: And the same judge in my case upheld it.

7 Matt: Hm.

8 Bereki: Um, so this is -- these types of -- this case has been
9 to the California Supreme Court over four times, and,
10 um, they keep upholding it. And it's so egregiously
11 unlawful. Um, so going back to my story --

12 Matt: Yeah.

13 Bereki: -- I -- I've been to the Executive Branch, I've been
14 to the Judicial Branch, I've been to the Legislative
15 Branch. I've been to the Judicial Branch in the
16 United States, and I also went to the FBI and the DOJ
17 in the United States, and I have no remedy.

18 Matt: Right.

19 Bereki: There's no court, no legislator, no nothing. So, I --
20 what's happened now is as a result of my license being
21 suspended, I have not been able to work, and I've
22 tried to defend myself to get my license back and to
23 challenge the -- the constitutionality of all this,
24 and what has happened is I believe that people have
25 realized that I've uncovered what's really going on



1 with this, and they're trying to sweep it under the
2 rug.

3 Matt: Mm.

4 Bereki: Um, and not address it. And so, um -- because it's
5 just going to expose really heinous, egregious
6 criminal behavior on the part of judges and other
7 people in California, um, government.

8 Matt: Mm.

9 Bereki: Um, so what has happened now is that, um, I've been
10 forced into bankruptcy because now one of the -- the --
11 -- the, uh, one of the lenders on my home has -- is --
12 uh, has started foreclosure proceedings.

13 Matt: Okay.

14 Bereki: So, I -- because I could not get a remedy, and I could
15 not pay them, I wound up in bankruptcy. Well, I'm in
16 bankruptcy now, and I thought, oh, maybe, you know,
17 I'll have a chance here and the judge will hear me.
18 No. The judge refuses to acknowledge what is going
19 on, and literally just gave the -- the mortgage
20 company, um, means to, uh -- uh, granted their relief
21 from the state to commence foreclosure proceedings.
22 Um, so I'm at the point where there's gonna be a use
23 of force involved if someone comes to my house to
24 steal the property without lawful authority.

25 Matt: Mm.



1 Bereki: Um, and I -- you know, I do not want that to happen,
2 but I have a right to defend myself and my property
3 against unlawful taking and seizure. Um, and, you
4 know, there just is -- there is no remedy. So --

5 Matt: Gotcha.

6 Bereki: -- I need someone to get on the bandwagon and get
7 emergency relief. I -- because it's getting down to
8 the point, I mean, th- -- yeah, what -- what am I
9 supposed to do?

10 Matt: Gotcha. So yeah, and I guess, so what's, uh -- I,
11 what's the -- what's the ask for our office, or like
12 how -- how could we help? What do you see as kinda
13 like a good, you know -- what -- what would be a good
14 action that -- that we could take for you in this
15 situation?

16 Bereki: Well, um, I know that you, uh -- I don't know how your
17 process works in the actual legislature, but you can -
18 - you could submit a claim like this and bring it --
19 submit it to the floor of the -- the assembly and tell
20 them what's going on, and say that, you know,
21 emergency action needs to be taken on this because
22 this is what is going on. The -- people are being
23 financially destroyed by this statute, and we either
24 need to, um, uh, remove it immediately, or, um -- and
25 -- and commence an investigation into what has been



1 going on, and, um, that's one thing. Um, another --

2 Matt: Okay, and -- and the specific statute on that, is --

3 is that Business and Professions, the 7031? Is that?

4 Bereki: Yes.

5 Matt: Is that the one we should look at?

6 Bereki: Yes.

7 Matt: Okay.

8 Bereki: Yes, absolutely. And -- and, um, I -- I would -- I'll

9 -- if you go to -- um, I'll give you my website.

10 Matt: Okay.

11 Bereki: Um, it's thespiritoflaw.com.

12 Matt: Okay.

13 Bereki: All one word.

14 Matt: Okay.

15 Bereki: Um, and you look at that. You will see, uh, my

16 Petition for -- my Emergency Petition, uh, for Habeas

17 Corpus to the U.S. Supreme Court that they promptly

18 just denied as well.

19 Matt: Mm.

20 Bereki: Um, and you can read that. And, um, there's a

21 procedural history up at the top. There's exhibits.

22 Um, I have the recordings of all of the conversations

23 with all of the, uh, police departments, all of the

24 documents.

25 Matt: Okay.



1 Bereki: Everything. It's all there on line. The only thing
2 that's not is the bankruptcy proceedings --

3 Matt: Gotcha.

4 Bereki: -- so far. Um --

5 Matt: Okay, then that gives us a place to kinda look to see
6 really what -- what's goin' on, and then use your
7 example as -- as -- as somethin' that we could like
8 maybe look for like a legislative solution on then?

9 Bereki: Yes. Yes. And -- and something fast, um, because, I
10 mean, it -- yeah, if they commence foreclosure
11 proceedings and the sheriff shows up here, the house
12 is gone, and, yeah, there's -- there's problems.

13 Matt: Mm-hmm.

14 Bereki: And -- and this is not to mention, you know, that I
15 have serious claims for, um, damages and all of that
16 that's been going on this whole time. I mean, I've
17 been having panic attacks, anxiety attacks.

18 Matt: Yeah, no, I understand how this could be fairly --
19 fairly stressful.

20 Bereki: Um, and yeah, there's no one -- there's no -- all
21 these people that are in government that are supposed
22 to help, and -- and it's not even -- I can't just go
23 and say, "Oh, it's some -- some side. It's the
24 Democrats, it's the Republicans." No, it's everybody.

25 Matt: Mm.



1 Bereki: Um, and, uh, yeah. I -- I mean, um, yeah. So if you,
2 um, you can -- you can go -- on the -- on the home
3 page --

4 Matt: Mm-hmm.

5 Bereki: -- if you click on the -- the image of the, uh,
6 Supreme Court Petition, you'll be able to download it
7 there.

8 Matt: Okay.

9 Bereki: Um, and that will, um, uh -- I can give you the Case
10 Number too, it's 22A426.

11 Matt: Twenty-two A -- could you -- you -- so sorry, 22A, and
12 then what was the numbers? The last ones?

13 Bereki: Four -- four twenty-six.

14 Matt: Four twenty-six, okay.

15 Bereki: Yeah, it's on there -- it's on their "shadow docket."

16 Matt: Okay.

17 Bereki: Um, uh, and then, yeah, if you go to the Exhibits, I
18 mean, not that you'd wanna go this deep, um --

19 Matt: That -- but that's where --

20 Bereki: -- you'll --

21 Matt: -- that information would be then.

22 Bereki: Um, no, that's -- that's -- the -- the, um, the actual
23 petition is on the home page.

24 Matt: Okay.

25 Bereki: But there's another page called "Exhibits," and if you



1 go there, um, you -- you -- the first exhibit is the
2 procedural history, which is, um, all of the com- --
3 uh -- uh, wait, what is that? Oh no, the procedural
4 history is all of my actions in all the courts. Um, I
5 also have a certified copy of the legislative history
6 of 7031(b), that's Exhibit B.

7 Matt: Mm-hmm.

8 Bereki: Um, if you go down to Exhibit D, it's all the
9 complaints and government tort claims I've made. If
10 you go to Exhibit E there's, um, audible exhibits,
11 which are all of the, uh, complaints to the, um, to
12 the courts, to California Assemblywoman Cottie Petrie-
13 Norris, to the, um, uh, the guy from -- for John
14 Moorlach. His Chief of Staff, Lance Christensen,
15 that's Exhibit 10.

16 Matt: Mm-hmm.

17 Bereki: Um, you'll see all of the audio exhibits there.

18 Matt: Mm-hmm.

19 Bereki: Um, I'm in the process of uploading the transcripts
20 for each of them. Um, and, uh, yeah, it's -- it's --
21 it's all there.

22 Matt: Okay. And --

23 Bereki: Um --

24 Matt: -- well, Adam, I wanna take a look at it. I wanna be
25 kind of upfront about what the -- the calendar is for



1 the -- for legislative offices, too. Like, you know,
2 um, we can introduce bills in January, and then, they
3 work through their process, and then we get a chance
4 to reintroduce it like next year in January. Um, so
5 that's kind of -- that's sort of the speed that -- Cal
6 Leg this works on. Um, so if -- if -- if I could --
7 you know, if we could take this up or like take a look
8 at like adjusting 7031, specifically for your
9 situation where it seems like, you know, you -- you
10 were stuck payin' out money that you didn't have
11 because you actually used it to deliver a product to
12 the person. Um, it -- it would -- it would be like a
13 year cycle. It would be like a year-plus cycle.

14 Bereki: Okay, so is there anything that you're aware of that
15 there's some other type of, um, investigation or
16 complaint process that -- there has to be something
17 for some type of emergency situation like this.
18 Otherwise --

19 Matt: Yeah.

20 Bereki: -- you know, you're kind of -- the whole check and
21 balance thing is a joke. Well, I mean, my case simply
22 proves that there are no checks and balances, but, um,
23 yeah, you -- you're -- the whole power of the
24 legislature would essentially be rendered inept in
25 something like this.



1 Matt: Right, well, and I think -- yeah, I mean, I am not
2 personally aware of it, but that doesn't mean that it
3 exists, um, so I wanna be upfront about that also.
4 Um, I've not seen us work on any action like that
5 before. Um, just -- I -- I'm not aware of any. I
6 just wanna be upfront about that.

7 Bereki: Mm-hmm.

8 Matt: But that doesn't mean that it's not there, so I can
9 kick it over to our legislative staff to have them
10 take a look at it and see if they can think of
11 somethin'.

12 Bereki: Okay. Yeah, I did -- I'm tryin' to remember, I think
13 his name is Adam Silver.

14 Matt: Okay.

15 Bereki: Does that g- -- does that name ring a bell?

16 Matt: Uh, it only rings a bell -- is that the NBA's guy?
17 Um, so that- -- that's the bell that rings for me, so
18 it's probably not who you're thinkin' of.

19 Bereki: Uh, he -- he's someone that works in -- in the
20 legislative department up there. I think he's even an
21 attorney.

22 Matt: Okay.

23 Bereki: Um, I got ahold of him once, um, because, uh, Petrie-
24 Norris' office wasn't responding.

25 Matt: Okay.



1 Bereki: Um, and so he put me in touch with her Chief of Staff,
2 Claire Conlon.

3 Matt: Okay.

4 Bereki: And, um, I -- he was somebody that -- they basically
5 s- -- the other -- the oth- -- uh, Cottie's office
6 told me that they were going to submit it to some --
7 some office at the legi- -- some legislative review
8 office to see if, you know, to basically investigate
9 the validity of what I was saying.

10 Matt: Okay, gotcha.

11 Bereki: Um, -- um, but the other thing is, is that I don't
12 know how it works with, um, your guys' clear line
13 right to the Governor's Office or the Attorney
14 General's Office, but, um, you know, that would be
15 another thing. Because the other option is for
16 somebody to, um, uh, make an order for, uh, one of
17 these police departments to, uh, conduct an
18 investigation, um, because they have executive
19 authority to conduct an investigation where you might
20 not. Um --

21 Matt: Right.

22 Bereki: -- but, and so if that could come from, you know, I
23 don't know -- again, I don't know what the authority
24 of -- of, uh, one department would be order another
25 department to do its duty. I don't even think that



1 that's possible maybe.

2 Matt: Yeah.

3 Bereki: Um, but there has to be something. There has to be

4 some remedy. Um, and there has to be some process,

5 um, to affect a remedy in -- in a situation like this.

6 Matt: Mm.

7 Bereki: Um, so I mean, I -- I can turn it over to you and --

8 and you do whatever you can do with it. And -- and

9 please, if you would, I just ask that you keep me

10 posted.

11 Matt: Okay.

12 Bereki: Because, you know, um, yeah, my -- whatever decisions

13 I make, I -- I am continuing to go through the court

14 process.

15 Matt: Mm-hmm.

16 Bereki: But, um, you know, I -- th- -- there is -- I mean, you

17 can look on my website and see that I've -- I've --

18 Matt: You- -- you've -- you've definitely like gone through

19 that process as much as you could. (Inaudible -

20 00:25:19).

21 Bereki: I -- I -- I've more than extraordinarily --

22 Matt: Right.

23 Bereki: -- done everything I can to affect a change and to

24 call this to a people's attention, but I -- I am -- I

25 am convinced that it has gotten so big and out of



1 control with what the courts have done based upon this
2 -- this statute --

3 Matt: Mm-hmm.

4 Bereki: -- um, that they're just -- they just keep covering it
5 up.

6 Matt: Yeah.

7 Bereki: Um, because at this point when I made my last
8 complaint, and you - -- as you -- if you'll read the
9 complaint that, um, I sent to the Supreme Court --

10 Matt: Mm.

11 Bereki: I -- I alleged that they committing treason, because
12 they are.

13 Matt: Hm.

14 Bereki: They're exercising jurisdiction that they don't have.
15 And no one in their right mind is gonna agree with a
16 near million-dollar fine for not having a business
17 license. I mean, that's just reprehensible.

18 Matt: Yeah.

19 Bereki: Um.

20 Matt: No, I hear -- I hear where you're -- I hear where
21 you're coming from on that one. Um, okay, well Adam,
22 let -- let me see if I can -- let me see what options
23 we have available for us. My understanding (inaudible
24 - 00:26:16) so far is that, um, that we are limited --
25 limited to legislative matters, and there's some rules



1 about state (inaudible - 00:26:22), which keeps us out
2 of, uh, dealing with, uh, um, court cases. But, um,
3 but let me see if there's -- if there's some -- if
4 there's some lever that I'm unaware of, and then I
5 will -- I will call you back. I'll -- I'll try to get
6 back to you within the week to, um, to get an answer
7 from that, okay?

8 Bereki: Okay. And I would just look into, um, that mechanism.
9 It doesn't seem like -- you know how some -- I don't
10 know if you're familiar with this, but there are some
11 things that were created in the formation of the
12 Constitutions that kind of just lay dormant.

13 Matt: Okay.

14 Bereki: Um, and one of those things that I don't think many
15 people know about is the Petition for Redress of
16 Grievance.

17 Matt: Mm.

18 Bereki: And let me see if I can, um, pull it up here right
19 now. Um, California Law, Constitution, and I'm
20 lookin' for, uh, grievance. Um, "The people have the
21 right to instruct their representatives, petition
22 government for redress of grievances, and assemble
23 freely to consult for the common good." Article 1,
24 Section 3.

25 Matt: Okay.



1 Bereki: Um, and as my research, I have a California Supreme
2 Court case saying that basically you can petition any
3 branch of government for redress of grievance.

4 Matt: Mm.

5 Bereki: Meaning you co- -- make -- make a complaint about
6 anything to any branch of government, and it is their
7 duty, and my interpretation, that they have to conduct
8 an investigation, a full, fair, and impartial
9 investigation, and if they determine that there's been
10 a violation of the Constitution or statute, they have
11 to do something to remedy it. Um, so that is the --
12 that is the route I would go. But, you know, in my
13 experience talking with Cottie and her staff, and
14 Moorlach and his staff, the don't have a clue what a
15 redress petition is. Um -- um --

16 Matt: Right. Right, it- -- it's somethin' that I can just
17 say as staff, well it's somethin' that we have not
18 been trained on. Now, I mean, obviously people
19 contact us all the time. We -- we help with like, you
20 know, issues they might have with a state agency, like
21 that kind of thing.

22 Bereki: Uh-huh.

23 Matt: Um, but I -- but right, as far as like seeing a formal
24 petition that came through or anything like that, it's
25 just not somethin' that -- that's come across my desk



1 at this point.

2 Bereki: Okay. Um, yes. So essentially what a redress
3 petition is, is a complaint. Um --

4 Matt: Oh yeah. No, I totally -- I totally get that point.
5 I'm just saying the actual mechanism of it is
6 somethin' I haven't seen before.

7 Bereki: Yeah, yeah, yeah.

8 Matt: But I -- I get where you're comin' from, right. And I
9 understand like the constitutional (inaudible -
10 00:28:45) for that.

11 Bereki: Yeah, yeah, absolutely. Absolutely. And it has to be
12 a part of the checks and balances, otherwise, you
13 know, defeats the whole purpose.

14 Matt: Gotcha.

15 Bereki: Um, but I have another complaint to make. Do you
16 have, um, so --

17 Matt: Okay. Yeah, yeah, go for it.

18 Bereki: So the other one is that, uh, the contractor's state
19 license board has erected its own mandatory
20 arbitration program without legislative authority.

21 Matt: Okay.

22 Bereki: Um, and so far, I -- I wanna say that they've
23 conducted close to 10,000 cases.

24 Matt: Okay.

25 Bereki: Without any statutory authority. So if you --



1 Matt: Okay.

2 Bereki: -- go to, um, do -- can you pull up the California
3 Legislative Information website?

4 Matt: Uh, sure. Yeah.

5 Bereki: Okay. Um, let me know when you're there.

6 Matt: Okay, well I -- we have like a -- we have a couple of
7 programs that can get to that. So, um, what, uh, what
8 do you want me to look up?

9 Bereki: Um, 7085 of the Business and Professions Code.

10 Matt: Okay. Business and Professions Code, 7085. Okay.

11 Bereki: Okay, let me know when you're there.

12 Matt: Yeah, yeah.

13 Bereki: Okay. So basically --

14 Matt: But no, I'm al- -- I'm almost there. I'm -- I'm --
15 I'm in- -- into the, uh, the Table of Contents right
16 now, 7085, correct?

17 Bereki: Yeah.

18 Matt: Okay. Got it. Okay, arbitration. Yep.

19 Bereki: Yeah, so basically it says that if you make a
20 complaint to the registrar, and after he compla- --
21 you know, investigates the complaint, it says, "The
22 registrar may, with the concurrence of both the
23 licensee and the -- and the complainant, refer the
24 alleged violation, um, to, um, arbitration."

25 Matt: Okay.



1 Bereki: Not-- carefully noting that it says, "With the
2 concurrence of both the licensee and the complainant."

3 Matt: Correct.

4 Bereki: That means that it's voluntary, right? Because you're
5 waiving your right to trial but jury and judicial
6 process.

7 Matt: Okay.

8 Bereki: I mean, that was one of the reasons why the American
9 Revolution happened, was admiralty jurisdiction, no
10 jury. Um --

11 Matt: I gotcha.

12 Bereki: So, uh, what they've done is they've taken the statute
13 that initially conferred jurisdiction to commence
14 voluntary arbitration, and --

15 Matt: Right, and it's mandatory, I guess?

16 Bereki: They have both a mandatory and a voluntary arbitration
17 program. Yes.

18 Matt: Okay.

19 Bereki: And they are compelling people, forcing them into
20 mandatory arbitration. And even in my case, they
21 conducted an arbitration proceeding without even
22 notifying me.

23 Matt: Hm, okay.

24 Bereki: And -- and so then, um, so it involved another
25 construction business that I had. So there was a



1 complaint that was made after that company went out of
2 business, and so they sent the complaint to the
3 address of the company that went out of business, but
4 never sent the complaint to me, um -- um, as the
5 qualifying individual for the license.

6 Matt: Okay. Did that r- -- did -- that didn't raise any
7 like due process concerns, or?

8 Bereki: Oh, that's some major due process concerns.

9 Matt: Okay.

10 Bereki: Now, when you go in -- and I tried to -- I can give
11 you all the -- the, um -- if you go on my website
12 under Exhibits, there's exhibit there all for
13 arbitration, because I've reached out to the license -
14 - the contractor's state licensing board, and those
15 people, um, the -- the registrar, says, "I have no
16 power to do anything about it." And if you look up --
17 it is some new, uh, constitutional amendment that has
18 happened, that basically they have taken the power
19 away from administrative officials to challenge the
20 constitutionality of the actions that they're taking.

21 Matt: Okay.

22 Bereki: Um -- um, and so now, these people are essentially
23 rendered helpless, which is -- is ridiculous, because
24 here's a man that's in charge of this administrative
25 agency who apparently has the authority to suspend



1 someone's license, but once the suspension has
2 happened, he can't revoke it, or -- or -- or, um,
3 correct it, according to him.

4 Matt: Mm.

5 Bereki: Um, which is absolutely ridiculous, because this whole
6 -- the whole mandatory arbitration proceeding is a --
7 is completely unlawful. They have no authority for it
8 whatsoever.

9 Matt: Mm.

10 Bereki: Um, and if you read, yeah, if you read the statute, it
11 does seem a little confusing. And at the end, um,
12 you'll notice that after it goes through all these
13 things, it basically says you -- you have to have the
14 concurrence of the licensee and the complainant.

15 Matt: Gotcha.

16 Bereki: And -- and if they don't have it, they're still, um,
17 forcing people into mandatory arbitration. Um, let me
18 just see real quick. Um, if you type in -- um, can
19 you go to your search bar for the internet?

20 Matt: Sure.

21 Bereki: Um, just type in "Mandatory Arbitration CSLB."

22 Matt: Okay.

23 Bereki: And you'll --

24 Matt: Okay, got it.

25 Bereki: -- you'll see the -- the first thing that should pop



1 up is the Mandatory Arbitration --

2 Matt: Yeah.

3 Bereki: -- Guide.

4 Matt: (Inaudible - 00:33:46), yep.

5 Bereki: Yeah. And that refers you -- the authority back to

6 7085.

7 Matt: Okay.

8 Bereki: And th- -- th- -- there is no mandatory arbitration in

9 anything in government because it's il- -- it's --

10 it's treason.

11 Matt: Mm-hmm.

12 Bereki: Can't do it.

13 Matt: Yeah.

14 Bereki: And here they are. And I have, um, if you look on my

15 exhibits, there are -- um, I have Public Records Act

16 requests from them. I -- I think it's close to 10,000

17 cases. I could be wrong. I could be way wrong on

18 that. Um --

19 Matt: Gotcha, but a significant amount, I guess.

20 Bereki: Yes, yes, yes.

21 Matt: (Inaudible - 00:34:18)

22 Bereki: Yes, yes. And I did report it to the -- to the

23 registrar directly, um, D- -- D- -- Dan Fote (ph) or

24 David Fote (ph), or something like that. And I

25 brought this to his attention, and we were going back



1 and forth on email, and the moment I -- I said, "Wait
2 a minute, you need to read the whole statute," he's
3 never written back since.

4 Matt: Mm.

5 Bereki: Um, so they know what they're doing, and at this point
6 he should have stopped the mandatory arbitration
7 program and, um, gone to the legislature or done
8 something. Um, but they're not. They -- it -- it's
9 just -- it's just going, it's ongoing.

10 Matt: Gotcha.

11 Bereki: They're still doing it.

12 Matt: Okay, well let me find that too. Um, we are not
13 Offices of Professions here, um, the committee that
14 would probably run through. But, I will -- I will
15 find that office just to let them look into this to
16 see if it's somethin' we should take a look at, or we
17 should try to take.

18 Bereki: Yeah.

19 Matt: Okay, got it. I got some notes here. Um, Adam, I
20 appreciate that. I will, um, I will get back to you,
21 um, specifically, uh, with the, uh, the peti- -- the
22 answer on the petition and see kind of like what --
23 just what the process is for that. And then, um, also
24 I'll also flag, uh, um, the Mandatory Arbitration.

25 Bereki: Yeah, so -- so just --



1 Matt: (Inaudible - 00:35:37).

2 Bereki: Thank you. Just to give you -- just one other little
3 point, is both of these -- these statutes are what is
4 suspending my license so that I can't work.

5 Matt: Gotcha.

6 Bereki: Uh, I'm not sure if those may have been discharged in
7 bankruptcy at this point, but they're -- they're still
8 on the -- the -- the record there, and I have not had
9 the opportunity to, um, send them a letter to notify
10 them of the discharge. But even if I could, I -- I
11 can't work while I'm trying to defend myself in court.

12 Matt: Yeah.

13 Bereki: There's just I -- it -- it's just not possible, and I
14 cannot afford an attorney to do it for me, because, I
15 mean, this would've cost another million dollars.

16 Matt: Yeah, understood.

17 Bereki: What I've done.

18 Matt: Understood.

19 Bereki: Um, so -- oh, the other thing is that, um, as a
20 possible legislative, um, issue is that I know that
21 like -- I have an idea that like in congress, they can
22 just, um, pass some sort of bill, or something like
23 that, that compensates people for injuries.

24 Matt: Mm-hmm.

25 Bereki: Um, and that is something that I would recommend, uh,



1 as well. So they can conduct -- the -- the
2 legislature can -- can conduct an investigation, I can
3 submit to them my damages, my claim for damages, and,
4 um, we can come to a resolution on the issues, uh, of
5 that, um, ASAP.

6 Matt: (Inaudible - 00:36:53).

7 Bereki: And that would be another remedy that -- that I would
8 accept. Um, because I -- yeah, to keep going through
9 this broken court process is -- is not gonna cut it.

10 Matt: Gotcha.

11 Bereki: Um, yeah.

12 Matt: Okay, well I appreciate that, Adam. Let me go do some
13 research for ya, um, and then -- and see what I can
14 find on my end, okay?

15 Bereki: Okay, yeah. Just -- just -- just to reiterate, that -
16 - that Supreme Court case on my website on the front
17 page --

18 Matt: Mm-hmm.

19 Bereki: -- that's gonna lay it all out for you.

20 Matt: Okay, I'll take -- I'll go take a look at it. And
21 that's, uh, thespiritoflaw.com, correct?

22 Bereki: Yes, correct.

23 Matt: Okay, got it. Okay, thank you, Adam.

24 Bereki: Thank you.

25 Matt: You have a good day, okay?



1 Berekí: Okay, you too. Bye.

2 Female: That's how fast things shift.

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